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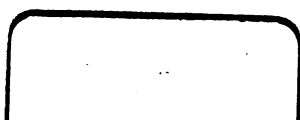
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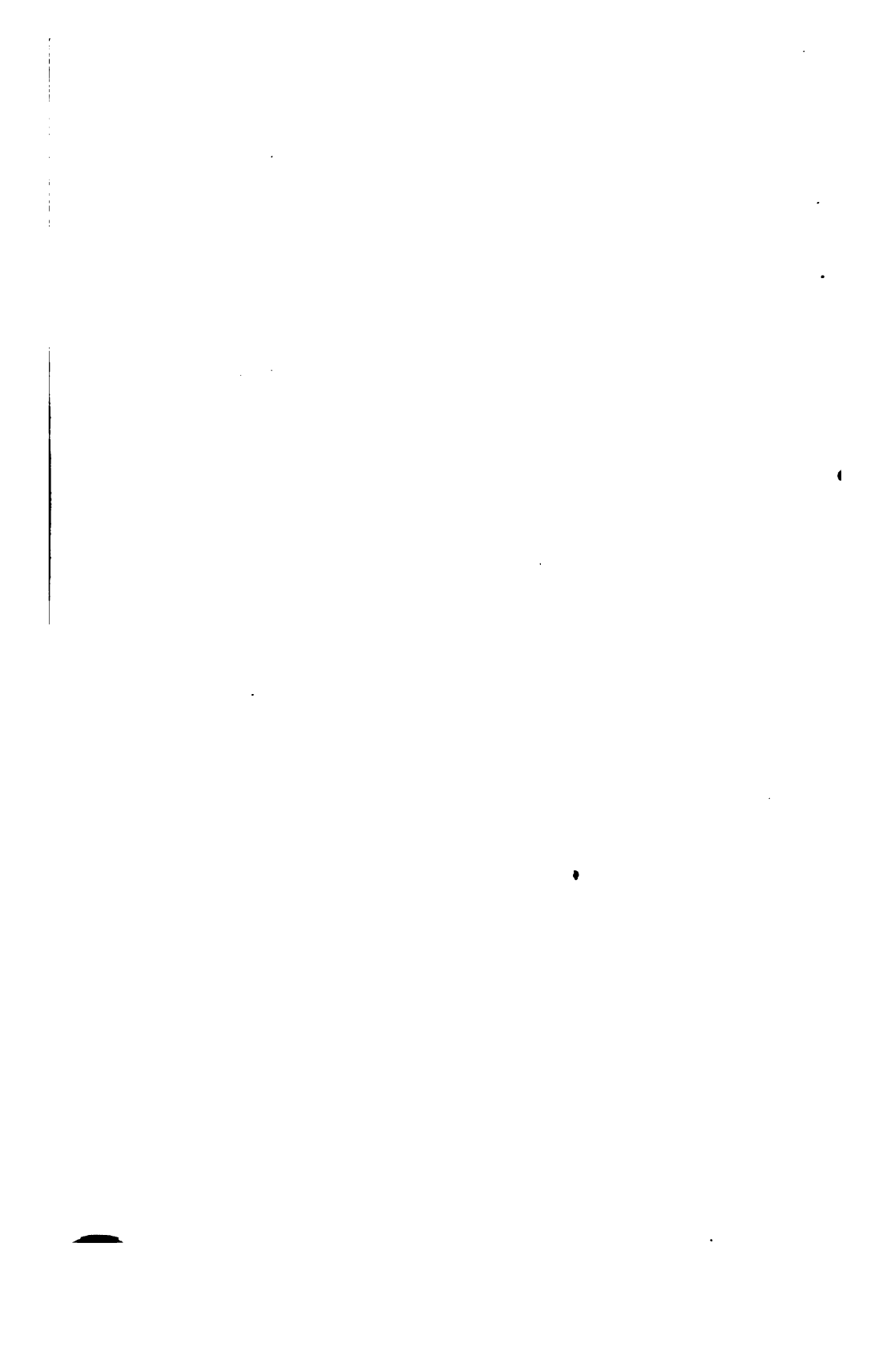
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P. M. Webster

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ACTS  
*J. M. Hunter*  
OF

THE GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY:

PASSED AT

DECEMBER SESSION, 1845.

PUBLISHED BY AUTHORITY.

FRANKFORT:  
A. G. HODGES:::::::::STATE PRINTER.  
1846.

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# LAWS OF KENTUCKY.

PASSED AT DECEMBER SESSION, 1845.

WM. OWSLEY, GOVERNOR; ARCHIBALD DIXON, LIEUT. GOVERNOR  
AND SPEAKER OF THE SENATE; J. R. UNDERWOOD, SPEAKER  
OF THE HOUSE OF REPRESENTATIVES; BEN. HARDIN, SECRETARY OF STATE.

## GENERAL LAWS.

### CHAPTER 9.

AN ACT continuing in force the law providing for the appointment of Commonwealth's Attorneys.

1846.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the provisions, now in force, of an act, entitled, an act to provide for the appointment of Commonwealth's Attorneys, approved January 21st, 1842, and the act amendatory thereto, approved January 17th, 1844, shall continue and remain in force for two years, from and after the end of the present session of the General Assembly.

J. R. UNDERWOOD,

*Speaker of the House of Representatives.*

ARCH'D DIXON,

*Speaker of the Senate.*

Approved January 10, 1846.

WM. OWSLEY.

By the Governor,

BEN. HARDIN, *Secretary of State.*

### CHAPTER 19.

AN ACT to amend an act to invest the Craddock Fund.

WHEREAS, by an act, approved 18th February, 1842, entitled, "an act to invest the Craddock Fund," it is provided, "that Joseph R. Underwood, trustee of the Craddock Fund may, if the County Court of Warren shall decline to accept said fund, pay the same into the Treasury of this Commonwealth, for the use of the State, for the period of twenty five years, when the same shall be refunded to the said Underwood, as trustee as aforesaid, or to his successor: and if the said fund shall be so paid to the Commonwealth, the Treasurer shall pay to said Underwood, as trustee of said fund, or

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1846.

his order, [or to his successor, as trustee of said fund, or his order,] the interest thereon, semi-annually, at the rate of six per centum per annum."

AND, WHEREAS, said Underwood has paid into the Treasury the sum of three thousand dollars, and the Treasurer has, with the sanction of the Governor, invested two thousand one hundred dollars thereof in the six year one hundred dollar bonds of the State at par. Therefore:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That said investment, by the Treasurer, of two thousand one hundred dollars of the Craddock Fund be ratified and legalized.

SEC. 2. *Be it further enacted*, That the Treasurer proceed to invest the balance of said fund now on hand, or which may hereafter be paid into the Treasury, in similar bonds of the State of Kentucky, or in the event that he is unable to procure similar bonds, then in any bonds issued by the State of Kentucky: *Provided*, that said investment shall not be made, allowing more than the par value of such State bonds as may be purchased.

SEC. 3. *Be it further enacted*, That the bonds already received by the Treasurer, as above, and such others as may be purchased with the proceeds of the Craddock Fund, shall, from time to time, be cancelled in the same manner and under the same regulations that six year bonds received in exchange for thirty year bonds are now directed by law to be cancelled.

Approved January 14, 1846.

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#### CHAPTER 25.

AN ACT appointing Commissioners to run and mark the County line between Jefferson and Bullitt Counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the third section of an act, entitled, "an act to provide for the running and marking the dividing line between the counties of Campbell and Pendleton, and between the counties of Jefferson and Bullitt, and between the counties of Jefferson and Shelby," be so amended as that the Surveyors of the counties of Jefferson and Bullitt, together with Joshua F. Speed, of the county of Jefferson, and Coleman Pendleton, of the county of Bullitt, be and are hereby appointed Commissioners to survey and mark that part of the county line between said counties, designated in said section: and that the fourth section of said act be so amended as that said Commissioners shall meet at the mouth of Briar creek, on or before the 15th day of April next, instead of the time prescribed in said section: and said Commissioners shall, in all things, be governed by the provisions of said act, touching their duties.

Approved January 14, 1846.

CHAPTER 35.

1846.

AN ACT concerning the Banks in Kentucky.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Bank of Kentucky, the Northern Bank of Kentucky, and the Bank of Louisville, shall have power to issue and circulate notes of a less denomination and amount than five dollars, signed and executed by the President or Cashier, as heretofore provided by law, during the time of their respective charters, unless hereafter prohibited by an act of the Legislature.

May issue  
notes less than  
\$5.

SEC. 2. *Be it further enacted*, That whenever a counterfeit note, purporting to have been executed and issued by either of said Banks, shall be presented at the counter thereof, it shall be the duty of such Bank to stamp or mark the same as counterfeit, in order to prevent its circulation.

Shall stamp  
all counterfeit  
notes.

SEC. 3. That it shall and may be lawful for the Stockholders in the Bank of Kentucky, if they shall so determine at their next annual meeting in May, or any other annual meeting hereafter held, to elect, on the part of the private Stockholders, seven Directors, instead of six, as is now provided for by law: and thereafter the Board of Directors may consist of nine members, instead of eight, as now provided for by law; and that only two Directors shall be required to go out of office annually, instead of three, as provided for in the sixth section of the charter of said Bank, when the Board consisted of eleven members.

Number of  
Directors in-  
creased.

SEC. 4. The number of Directors, including the President, for each Branch of the Bank of Kentucky may be increased to seven, instead of six, as is now provided for by law, if the Stockholders shall so determine at any annual meeting hereafter held.

Approved January 21, 1846.

CHAPTER 42.

AN ACT to regulate the terms of the Larue Circuit Court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, hereafter, the Larue Circuit Court shall continue twelve juridical days, if the business requires it.

Approved January 21, 1846.

CHAPTER 43.

AN ACT establishing a Chancery term of the Montgomery Circuit Court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the Judge of the Montgomery Circuit Court to hold a Chancery term of said court, on the third Monday in June next, and on the third



**1846.**

Monday of June in each and every year hereafter—which term shall continue for six juridical days, if the business shall require it.

Approved January 21, 1846.

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CHAPTER 63.

AN ACT to regulate the Owen County Court, and for other purposes.

WHEREAS, it appears to this General Assembly, that there is a difference of opinion as to the proper construction to be placed upon the act, approved the 22d day of February, 1842, regulating the terms of the Owen County Court. Therefore:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said act shall be so construed as to authorize the County Court of Owen county to hold a court on the third Monday of each and every month in each year.

SEC. 2. *Be it further enacted*, That the acts of James W. Bacon, appointed by a quorum of the Justices of said County Court, Clerk, *pro tem.*, of said court, on the third Monday in November last, be and the same are hereby legalized, and made valid to all intents and purposes.

Approved January 24, 1846.

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CHAPTER 91.

AN ACT to legalize the proceedings of the Trigg County Court, at the November Term, 1845.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the proceedings and orders of the Trigg County Court, held in the month of November, 1845, be and the same are hereby legalized; and the same shall be as good and valid, in law, as if the proceedings and orders of said court had been signed by the presiding justice at said term.

Approved January 29, 1846.

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CHAPTER 92.

AN ACT to amend the duelling laws.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, hereafter, in administering the oath prescribed in the several acts to suppress the practice of duelling, the oath shall be from the first day of January, 1846.

Approved January 29, 1846.

CHAPTER 107.

1846.

AN ACT to amend an act to prevent the burning of the woods in certain counties, and for other purposes, approved February 7, 1840.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, hereafter, the provisions of the act, entitled, "an act to prevent the burning of the woods in certain counties, and for other purposes, approved February 7, 1840," shall be extended to the county of Christian.

Approved January 29, 1846.

CHAPTER 109.

AN ACT to appoint Commissioners to collect the debts due the Farmers' Bank of Somerset, and pay the same to its creditors.

WHEREAS, it is represented to this General Assembly, that there are still debts due and owing the late Farmers' Bank of Somerset, and said corporation still owes debts. Wherefore:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John Griffin, Ebenezer Thompson, and Cyrenus Wait, be and they are hereby appointed Commissioners to settle up all outstanding business of the said Farmers' Bank of Somerset; allowing to them, and the survivors or survivor of them, all the rights of action at law, and suit in Chancery, to sue and be sued, that the said Bank of Somerset, in its corporate capacity, was entitled to exercise, or subject to, or might or could exercise, if its charter was still prolonged and in existence; and that the powers given them by this act be and remain until the affairs of said Bank are fully wound up and adjusted, or until this act shall be repealed.

SEC. 2. That the said Commissioners, before they proceed to do any act under the authority hereby vested in them, shall execute a joint and several bond, with good and sufficient security, to be approved of by the Clerk of the Pulaski County Court, in said Court, in the penalty of five thousand dollars, conditioned that they, and each of them, will pay over and apply all such sums of money as they, or either of them, may collect and receive under the authority of this act, to the person or persons respectively entitled to the same, and for the faithful performance of all their duties as Commissioners under this act.

Approved January 29, 1846.

CHAPTER 111.

AN ACT to regulate the terms of the Christian County Court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, hereafter, the term of the Christian County Court now held on the last Monday in April, shall commence on the first Monday in May, in each year; and the

1846. term now held on the last Monday in October, shall commence on the first Monday in November, in each year.

Approved January 29, 1846.

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CHAPTER 115. \*

AN ACT to authorize the Chairmen of Standing and Select Committees to administer oaths in certain cases.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Chairman of any Standing or Select Committee, either of the House of Representatives, or of the Senate of this State, shall be empowered to administer oaths, or affirmations, to witnesses in any case under their examination; and any person who shall be guilty of perjury before such committee, shall be liable to the pains, penalties, and disabilities, prescribed by existing laws for the punishment of the crime of wilful and corrupt perjury.

Approved January 31, 1846.

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CHAPTER 120.

AN ACT to amend the charter of the Bank of the Commonwealth.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an act to establish the Bank of the Commonwealth of Kentucky, approved November 29, 1820, and the several acts amendatory thereof, shall be and the same are hereby extended and continued in force until the first day of March, eighteen hundred and forty eight, so far as to enable said Bank to collect debts due, and close up its concerns.

Approved January 31, 1846.

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CHAPTER 122.

AN ACT to provide for filling vacancies in the Directory of Turnpike Road Companies.

WHEREAS, in many of the charters of incorporation for Turnpike Road Companies in this Commonwealth, no provision is made for filling vacancies in the Directory, should vacancies occur between the times of electing Directors by the stockholders. For remedy whereof:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That where any vacancy has heretofore happened, or may hereafter happen, in the Directory of any of the Turnpike Road Companies in this Commonwealth, by death, resignation, removal from the State, or otherwise, the remaining Directors of such Company shall have the power, and may, in their discretion, fill such vacancy, by appointing a proper person or persons to fill such vacancy; and the Directors appointed under the provisions of this act,

shall hold their office until the next election of Directors by the stockholders, and until their successors shall have been duly qualified.

1846.

SEC. 2. *Be it further enacted*, That all acts, or parts of acts, which are inconsistent with the provisions of this act, be and the same are hereby repealed.

Approved February 4, 1846.

CHAPTER 133.

AN ACT to amend the penal laws.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That if any person shall hereafter usurp any office established by the Constitution or Laws of this Commonwealth, or shall hold any such office, after his appointment thereto shall have been declared, by a court of competent jurisdiction, illegal or void, such person shall, on the presentment or indictment of a grand jury, be subject to a fine of not less than five hundred dollars, nor more than fifteen hundred dollars, at the discretion of a jury; and upon conviction and failure to pay said fine, shall be imprisoned in the Jail of the county where such offence shall be committed, until such fine, and the costs of the prosecution are paid: *Provided, however*, that before any person shall be liable for the offence of holding on to any such office, after his appointment shall be declared illegal or void, as aforesaid, a notice of such determination of said court, issued from the Clerk's Office of the same, shall be served upon him by the Sheriff of any county where he may be found.

Usurpers of offices to be indicted and fined.

Proviso.

Approved February 7, 1846.

CHAPTER 142.

AN ACT requiring certain duties of Justices of the Peace.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the Justices of the Peace of this Commonwealth, to keep a docket of all cases tried before them; which cases, and the judgments rendered therein, shall be entered in a well bound book, to be provided by them for that purpose. Said Justices shall, also, keep a docket of all executions or attachments issued by them, in a well bound book to be provided by them for that purpose, in which they shall enter the date of such execution or attachment, when and to whom delivered, when returnable, when returned, and the return when made, at large; and affix to each of said books a plain index.

Justices to keep a docket and execution book.

SEC. 2. That if any Justice of the Peace shall not, within six months from the passage of this act, provide himself with the books required by the first section, or shall fail or refuse to

Penalty for a failure.

1846.

keep the docket therein provided for, in the manner therein directed, such Justice of the Peace, so failing or refusing, shall be subject to a fine of twenty five dollars, for every three months such Justice shall fail to provide said books, or keep said docket; to be recovered by motion in the Circuit Court of the county in which such Justice may reside, at the suit of any person who will sue for the same, upon notice, in writing, being served on such Justice, ten days before the trial of such motion; one half of said penalty shall go to the person making the motion, and the other half towards lessening the county levy of the county in which the motion is made.

Approved February 10, 1846.

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CHAPTER 145.

AN ACT to amend an act, entitled, an act to amend the law regulating appeals from the judgment of Justices of the Peace, approved December 23, 1831.

Defendant  
may appeal.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an act, entitled, an act to amend the law regulating appeals from the judgment of Justices of the Peace, approved December 23, 1831, be and the same is hereby so amended, that the defendant or defendants in any warrant, who may desire to appeal from the judgment of a Justice of the Peace, shall have the same right to appeal, and upon the same conditions, as the plaintiff or plaintiffs have, by virtue of the act to which this is an amendment.

Approved February 10, 1846.

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CHAPTER 152.

AN ACT to amend "an act to establish the Louisville Bank of Kentucky," and "an act to incorporate the Merchants' Louisville Insurance Company."

Further time  
given Bank to  
sell real estate.

*SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the time given to the Bank of Louisville, called in its act of incorporation, the Louisville Bank of Kentucky, by the twenty first section, to dispose of its real estate, acquired under its provisions, be extended; and the further time of five years, from and after the passage of this act, be and it is hereby given to the said Bank to dispose of its real estate, acquired under and by virtue of the said section.

Corporation of  
Insurance Co.  
extended to  
1872.

*SEC. 2.* That so much of the act of incorporation of the Merchants' Louisville Insurance Company, and which Company has been, and is now, legally organized under said act, as limit the existence of said corporation to the first day of January one thousand eight hundred and fifty two, be and the same is hereby repealed: and that the same shall continue in full force until the first day of January one thousand eight hundred and seventy two.

Sec. 3. *Be it further enacted*, That said corporation shall have full power to insure against fire, on the general conditions and principles of fire insurance, and to as full an extent as is now enjoyed by other companies incorporated for the same purposes by the Commonwealth of Kentucky: *Provided*, that before this latter section shall go into operation, the consent of a majority of the stockholders, in interest, shall be first had and obtained, and the same entered upon the books of said corporation.

1846.

Powers increased.

Proviso.

Approved February 13, 1846.

CHAPTER 157.

AN ACT concerning ferries on the Ohio river.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act, entitled, "an act the better to protect the proprietors of ferries across the Ohio river," approved February 29th, 1836, be and the same hereby is extended, and to apply to each and every county within this Commonwealth bordering on the Ohio river; and the provisions of said act shall apply to such counties, and to have the same effect as if the same were herein re-enacted at length.

Approved February 13, 1846.

CHAPTER 158.

AN ACT to legalize certain proceedings of the Bullitt County Court.

**WHEREAS**, the Bullitt County Court, at its November term, 1845, laid their levy agreeably to the existing laws, for the amount to be collected in the year 1846; but, by the omission of the Clerk, the same was not entered on the order book; and said court afterwards, to-wit, at its December term, 1845, ordered that the levy be collected as laid at the previous term thereof; and directed the said entry to be made then as for November term; and doubts having arisen whether the said levy can be legally collected. Therefore:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said orders, made at the November and December terms of the Bullitt County Court, in the year 1845, relating to the county levy, directing that the same be collected at one dollar and twenty five cents, as laid, be and the same hereby are ratified and confirmed, and shall have the same force and effect as though the said order had been regularly entered of record at said November term, 1845.

Approved February 13, 1846.

1846.

## CHAPTER 168.

AN ACT to legalize the proceedings of the Estill County Court, held in March 1845.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the proceedings of the Estill County Court, held at a called term in the month of March, 1845, be and the same is hereby legalized, and to have the same force and effect as if said court had been held at the time authorized by the then existing laws.

Approved February 13, 1846.

## CHAPTER 174.

AN ACT to authorize the Clerks of the County Courts to administer an oath to witnesses who offer to prove the age of persons applying for marriage license.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the Clerks of the County Courts of this Commonwealth, to administer oaths to persons who shall offer to prove the age of any one applying to such Clerk for marriage license, and a certificate of such oath shall be endorsed by said Clerk on the bond by him taken.

Approved February 14, 1846.

## CHAPTER 175.

AN ACT to change the time of holding the Caldwell Circuit Court.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the terms of the Caldwell Circuit Court shall, hereafter, commence on the first Monday in June and December, in each year, and continue eighteen judicial days each term, if the business of the court shall require it.

SEC. 2. That all process issued and made returnable, and all recognizances taken, to said court as now held, shall have the same effect as if issued, made returnable, and taken, to the said court as fixed by this act.

Approved February 14, 1846.

## CHAPTER 176.

AN ACT to change the Anderson and Franklin county line.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Anderson and Franklin county line, be and the same is hereby so changed, as to commence at the mouth of Boon's Branch, in Little Benson, on the Anderson and Franklin line, and from thence a south westerly course to Hogshead's old house; thence down Parker's Spring Branch to

Little Benson, so as to include the dwelling house lately owned and occupied by Fielding L. Conner, but now owned by James D. Parker, in the county of Anderson, and leaving the Presbyterian meeting house in Franklin county.

.1846.

Approved February 14, 1846.

CHAPTER 184.

AN ACT to provide for the running and marking the dividing line between the counties of Campbell and Pendleton.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That David Brooks, of Bracken county, and Charles Ruddle, of Grant county, together with the Surveyors of Campbell and Pendleton counties, shall, on or before the first day of December, 1846, proceed to survey and mark the dividing line between the said counties of Campbell and Pendleton, commencing at the reputed corner of the dividing line between said counties, on the Ohio river, and run to the south eastern corner of Kenton county, on Licking river; and said Commissioners, Brooks and Ruddle, may hear and take proof as to the reputed corner on the Ohio river; and from said corner shall cause the dividing line, aforesaid, to be run, and plainly marked; and shall report to the County Courts of said counties of Campbell and Pendleton, the calls, course, and distance of said line: and it shall be the duty of the County Courts of said counties, upon the presentation of said report, to order the same to be recorded: and thereafter, the line, so to be ascertained, surveyed, and marked, shall be established as the true dividing line between said counties.

By whom line shall be run, and such line established.

SEC. 2. *Be it further enacted*, That said Commissioners shall employ two competent persons as Chain Carriers, neither of whom shall be selected from either of said counties, who shall be sworn faithfully to discharge their duties as such: and said Commissioners, Surveyors, and Chain Carriers, shall be compensated by said counties: the Commissioners shall be allowed two dollars per day, each, for their services; the Chain Carriers, one dollar per day, each; and the Surveyors, the same compensation now allowed by law for similar services. And the said County Courts, at their Court of Claims next after the presentation of the report of said Commissioners, shall, respectively, provide for the payment of one half of the cost of running and marking said dividing line.

Chain carriers to be employed.

Compensation of Com'rs, Surveyors, &c.

County Ct. to pay.

Approved February 14, 1846.

CHAPTER 216.

AN ACT providing for the support of an additional number of pupils in the Deaf and Dumb Asylum, at Danville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the Kentucky Institution



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for the tuition of the Deaf and Dumb, at Danville, may receive, in addition to the number now allowed by law, any number of pupils in said institution for instruction, not exceeding five; who shall receive the same compensation for their maintenance and instruction, and payable at the same time and manner, as is provided for by law, for the support of those heretofore receivable in said institution; and those admitted in said institution on the first, second, eleventh, and twenty fifth of Oct. 1845, shall be supported and provided for, up to the passage of this act, from the time they were received in said institution.

Approved February 17, 1846.

#### CHAPTER 217.

AN ACT to amend an act, entitled, "an act to amend the several laws of this Commonwealth, relative to the duties of Clerks of Courts, approved February 2d, 1841."

Provisions of law to apply where Clerks resign or are removed from office.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the provisions of an act, entitled, "an act to amend the several laws of this Commonwealth relative to the duties of Clerks of Courts, approved February 2d, 1841," shall apply to cases in which the Clerk of any court of this Commonwealth has resigned, or been removed from office, or shall hereafter resign or be removed from office; and the successor of such Clerk, who may have resigned or been removed from office, shall have the same powers, and perform the same duties, as are in and by said act assigned to the successors of deceased Clerks; and the acts of such successor, under the provisions of this amendment, shall have the same force and effect, in all respects, as the acts of successors of deceased Clerks have under and by virtue of said act.

Clerks to record deeds, &c. left by their predecessors.

**SEC. 2.** *Be it further enacted,* That when the Clerk of any court of this Commonwealth shall have died, resigned, or been removed from office, or shall hereafter die, resign, or be removed from office, leaving in his office any deed, power of attorney, or other instrument of writing, unrecorded, which had been lodged for record, and duly proved or acknowledged before some officer authorized to take such proof or acknowledgment, and a certificate of such proof or acknowledgment appears upon such deed, power of attorney, or other instrument of writing, and also a certificate or memorandum in the hand writing of said deceased, resigned or removed Clerk, or any duly qualified deputy of his, that the same was left for record, it shall be the duty of the successor of said deceased, resigned or removed Clerk, to record such deed, power of attorney, or other writing, in the same manner as if the same had been left for record with him in person; and the record, thus made, shall have the same force and effect as if said deed, power of attorney, or other instrument of writing, had been

recorded in due time by said deceased, resigned or removed Clerk; and the Clerk, on recording such deed, power of attorney, or other instrument of writing, shall vary his certificate so as to suit the true state of facts, and record the same as in other cases; and shall be entitled to the same fee as in other cases.

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SEC. 3. *Be it further enacted*, That when the Clerk of any court in this Commonwealth has died, resigned, or been removed from office, or shall hereafter die, resign, or be removed from office, having any will, inventory, appraisement, deed, mortgage, power of attorney, or other instrument of writing, recorded in his office, the original of which has never been removed therefrom, in the recorded copy of which, or of the certificates of which, appended thereto or endorsed thereon, there is any error or omission by reason of deviation from the original, it shall be the duty of every successor of such deceased, resigned or removed Clerk, to correct such record, by making it an exact copy of the original; and whenever said deceased, resigned or removed Clerk shall have failed to sign his name to the certificate, which he has put upon any one of the papers aforesaid, recorded and remaining in his office, it shall be the duty of his successor in office, to sign the name of said deceased, resigned or removed Clerk to said certificate: and the records and certificates, corrected in conformity with the provisions of this section, shall have the same effect, in all respects, as if the same had been properly recorded and certified originally.

Clerks may correct errors in the record of deeds, &c., and sign certificates of former Clerks.

Approved February 17, 1846.

#### CHAPTER 231.

AN ACT establishing a Chancery Term of the Clarke Circuit Court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Judge of the tenth Judicial District shall hold a term of the Clarke Circuit Court, for the trial of Chancery causes, commencing on the Tuesday succeeding the fourth Monday in June, in each year, and continue five judicial days, if the business of said court shall require it.

Approved February 17, 1846.

#### CHAPTER 233.

AN ACT concerning the Barren Circuit Court.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the seventh section of an act, entitled, "an act to legalize the proceedings of the Hopkins County Court, and for other purposes, approved March 2d, 1844," be and the same is hereby repealed.

SEC. 2. That the Judge of the eighteenth Judicial District,

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shall hold a special term of the Barren Circuit Court, for the trial of Criminal and Chancery causes, commencing on the fourth Monday in June, in each year, and continue six judicial days, if the business shall require it.

Approved February 17, 1846.

## CHAPTER 256.

AN ACT for the benefit of the Covington and Lexington Turnpike Company, and for other purposes.

Profits on stock used, to be turned into new stock, and certificates issued.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That whenever the profits on stock held by any stockholder in the Covington and Lexington Turnpike Road Company, and used by the Board of Directors having charge of said road, for the purpose of continuing and completing the same in pursuance of an act of the Legislature, approved February 7th, 1845, shall amount to the sum of twenty five dollars or more, upon the share or shares of any stockholder, the said Board of Directors shall give such stockholder a certificate for such an amount of stock in said Company.

Location of gate may be changed.

SEC. 2. *Be it further enacted*, That it shall and may be lawful for the Directors of that portion of the Covington and Lexington Turnpike Company, between Covington and Williamstown, to change the location of the toll gate nearest to Covington, on said road, from its present location to any point deemed best by the Directors, aforesaid, between the first and third mile post on said road.

School children to pass free of toll.

SEC. 3. *Be it further enacted*, That it shall and may be lawful for all children, between the ages of five and sixteen, to pass the gates on said Turnpike road, free of toll, in going to and from school.

Approved February 19, 1846.

## CHAPTER 257.

AN ACT to remodel and change the Judicial Districts, and equalize the labor of the Circuit Judges.

Boone and Kenton added to 4th District.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the counties of Boone and Kenton shall be added to, and, hereafter, form a part of the fourth Judicial District.

Harrison added to 3d District.

SEC. 2. That the county of Harrison shall be added to and compose a part of the third Judicial District; and that the county of Owen shall be added to and compose a part of the seventeenth Judicial District.

Owen added to 17th Dist.

SEC. 3. That the counties of Campbell and Pendleton shall be added to and compose a part of the first Judicial District.

**SEC. 4.** That the counties of Caldwell, Crittenden, Trigg, Marshall, and Calloway, shall hereafter compose the second Judicial District.

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**SEC. 5.** That the county of Henderson shall be added to, and, hereafter, compose a part of the seventh Judicial District; and the Caldwell Circuit Court shall, hereafter, commence on the first Monday in June and the third Monday in November, in each year, and continue, at each term, eighteen juridical days, if the business of the court shall require it. The Crittenden Circuit Court shall, hereafter, commence on the third Monday of April and second Monday of October, in each year, and continue six juridical days, if the business require it. The Marshall Circuit Court shall, hereafter, commence on the second Monday of April and fourth Monday of October, in each year, and continue six juridical days, if the business require it. The Calloway Circuit Court shall, hereafter, commence on the first Mondays of April and October, in each year, and continue six juridical days, if the business require it. The Harrison Circuit Court shall, hereafter, commence on the second Monday in May and fourth Monday in October, in each year, and continue twelve juridical days each term, if the business require it. That, hereafter, the May term of the Owen Circuit Court shall commence on the second Monday in May, in each year, and continue twelve juridical days, if the business of the court shall require it. That, hereafter, the Judge of the seventeenth Judicial District shall not be required to hold the General Court.

Henderson  
added to 7th  
District.

Caldwell Ct.  
Court, when to  
sit.

Crittenden  
when to sit.

Marshall Ct.  
when to sit.

Calloway,  
when to sit.

Harrison,  
when to sit.

May term  
Owen Ct. to  
commence 2d  
Monday.

Judge 17th  
District, not  
required to  
hold Gen. Ct.

Process re-  
turnable to  
Ct's as chang-  
ed.

**SEC. 6.** That all process which has issued, or which may issue, from the Clerk's offices of the several courts in this act mentioned, made returnable to their respective terms, as now provided by law, shall be effectual to all intents and purposes, as if made returnable to the respective terms, as herein prescribed.

Approved February 19, 1846.

## CHAPTER 272.

AN ACT to amend an act, entitled, an act to amend the charter of the Louisville and Elizabethtown Turnpike Company, and Covington and Lexington Turnpike Company, approved February 7th, 1845.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That, hereafter, when proceedings shall be instituted against the President and Managers of the Louisville and Elizabethtown Turnpike Road Company, under the first, second and third sections of an act, entitled, an act to amend the charter of the Louisville and Elizabethtown Turnpike Company, and Covington and Lexington Turnpike Company, approved February 7th, 1845, it shall be the duty of said President and Managers to cause to be repaired that part of said road pointed out by the proceedings; and, upon fail-

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ure to do so, for the space of forty days after proceedings have been had under the provisions of the third section of said act, the gate or gates on said road may be thrown open, and no toll shall be gathered until the said road is repaired; which fact shall be determined by two Justices, called on by the President and Managers of said road.

Approved February 21, 1846.

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CHAPTER 277.

AN ACT to amend an act, entitled, an act to add a portion of Nicholas to Bracken county, approved February 29, 1844.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of the Kenton town road, the boundary line between the counties of Bracken and Nicholas, lying between J. B. Barlow's school house and the Mason county line, be and the same is hereby added to the county of Bracken; and that, hereafter, the line of those counties between those points shall be and hereby is declared to be the southern line or boundary of said road.

Approved February 21, 1846.

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CHAPTER 284.

AN ACT to change and more particularly define the county line between the counties of Perry and Breathitt.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of Perry county, within the following bounds, to-wit: Beginning at the head of Long's creek, where the counties of Breathitt, Perry and Owsley join; thence with the dividing ridge between Long's creek and Scrabble creek, until it strikes the head of a small drain just below the farm where Willie Amis now lives; thence a straight line, crossing the middle fork of the Kentucky river at the mouth of said drain, so as to intersect the Breathitt county line, be and the same is hereby attached to, and shall constitute a part of, Breathitt county.

Approved February 21, 1846.

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CHAPTER 287.

AN ACT to run the county line between the counties of Knox and Harlan.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That John Farmer, of Harlan county, and Larkin Tuggle, of Knox county, be and are hereby appointed to run and mark the line as designated by law between the counties of Harlan and Knox. For each day they may be employed, they shall be allowed, each, three dollars per day; the

marker and chainmen, one dollar per day, each. They shall make a report of their survey to the County Courts of said counties, which shall be entered on record in each court; and further, to report to each court the services performed; and it shall be the duty of said counties to levy, for the same, each one half thereof.

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Approved February 21, 1846.

CHAPTER 293.

AN ACT for the benefit of certain Sheriffs.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the Second Auditor, in all cases where judgment has been obtained against any Sheriff for revenue, and eighteen per cent. damages, and which has not yet been paid into the Treasury, to release the damages, after retaining the legal interest on the revenue from the time it became due until paid, and costs of suit.

Second Auditor to release damages adjudged against Sheriffs retaining legal interest and costs.

Approved February 21, 1846.

CHAPTER 294.

AN ACT to amend the law in relation to idiots and lunatics, approved February 12th, 1840.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That no idiots shall receive any compensation out of the Treasury of this Commonwealth, for his or her support or maintenance, after the first day of July next, unless an inquisition is had agreeable to the second section of the act, entitled, an act to amend the law in relation to idiots and lunatics, approved February 12th, 1840; and no court shall dispense with the production of any idiot, when an inquisition is about to be had in open court, unless it be proven by two practising physicians of said county, (if there be two physicians in the county,) in open court, or their affidavit produced in open court, that they have examined the individual alledged to be an idiot, and that they are clearly of the opinion that he, she or they are idiots, and that it would be inconvenient to bring said idiot or idiots into open court. That in case the examination of such idiot or idiots is not made by two physicians in any county, where there are not two physicians, the same proceedings shall be had as heretofore provided for by law.

No compensation unless an inquisition had.

Idiots to be brought before court, unless Physicians testify or give affidavit.

If not two Physicians in county, same proceedings as heretofore.

**SEC. 2.** *Be it further enacted*, That it shall be the duty of every Circuit Judge, when an inquisition of idiocy is about to be held, to direct the jury to inquire into the physical power or ability of any such idiot or idiots to perform common labor; and if said jury, or the court, shall be of the opinion that any idiot or idiots are capable of performing labor adequate to his, her or their support, no allowance shall in that case be made:

Inquire ability of idiots to labor.

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If capable of  
labor, no allow-  
ance.

Value of la-  
bor deducted  
from amount of  
allowance.

Inquisition  
to be repeated  
in 1850, and  
every 5th year  
after.

Circuit Clk's  
to forward 2d  
Auditor a list  
of idiots in  
each county  
every year.

and when it shall appear to the court or jury, that any idiot is capable of performing common labor, but not to an extent adequate to the support of such idiot or idiots, it shall be the duty of the court and the jury to ascertain the reasonable value of the labor of any such idiot or idiots, and the same shall be deducted from the sum now allowed by law for the annual support of any idiot, the balance shall be certified as heretofore, and payable in like manner.

SEC. 3. That the inquisition, directed by this act, shall be had again in the year 1850, and every fifth year thereafter; and it shall be the duty of the judge and jury to ascertain, if possible, whether such idiot or idiots have been brought into this Commonwealth for the purpose of receiving a support from the Treasury, or not; and to this end, it shall be their duty to examine the witnesses particularly, and when such facts do appear, no allowance shall be made for the support of any such idiot; and every inquisition shall state that this examination has been made.

SEC. 4. That it shall be the duty of every Circuit Court Clerk in this Commonwealth, to make out, and forward to the Second Auditor, a full and complete list of all such idiots that remain in his county, and are supported by the Commonwealth, and out of the Treasury; and this list shall be forwarded on or before the first day of November, in each and every year.

Approved February 21, 1846.

#### CHAPTER 298.

AN ACT to transfer the duties of the President of the Bank of the Commonwealth, and Agent of the Old Bank of Kentucky, to the First Auditor, and requiring certain duties of the First Auditor and Attorney General.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of Harrison Blanton, Agent of the Old Bank of Kentucky, to hand over immediately to the First Auditor, all books, papers, bonds, notes, conveyances, and all other matters and things belonging, or in any manner appertaining to said Old Bank of Kentucky, together with the sum of twenty eight thousand two hundred and nine dollars and seventy four cents in money, which appears to be in his hands; and upon his failure to do so, after demand made on him by said First Auditor, it shall be the duty of the Attorney General to institute a suit in chancery, in the General Court, in the name of the President and Directors of the Old Bank of Kentucky, against said Harrison Blanton, and his securities, upon his official bond, for the recovery of such sum of money as may appear due from said Harrison Blanton, for and on account of said Old Bank of Kentucky, and for a full settlement of his accounts as such Agent; and, for that purpose, jurisdiction is hereby conferred on said General Court.

Blanton,  
Agent Old Bk.  
Ky., to deliver  
to Auditor  
books, papers,  
money, &c.

If he fail to  
do so, suit a-  
gainst him in  
the Gen. Ct.

**SEC. 2.** *Be it further enacted,* That it shall be the duty of the First Auditor, upon the receipt of the books, papers, bonds, notes, and conveyances of the Old Bank of Kentucky, from the Agent, as aforesaid, to audit and settle the accounts of such Agent, from the time he took charge of the business of said Bank, up to the time of surrendering up said concern, under the provisions of this act; which accounts and settlement shall be reported to the next Legislature during the first week of the session. It shall also be the duty of said First Auditor to place all money belonging to said Bank, and which may come into his hands, into the Treasury; and from time to time, when it shall be made to appear to said Auditor that there is due from said Bank to any stockholder in the same, any unpaid dividend, said Auditor shall draw his warrant on the Treasurer for the amount of such dividend, to be paid out of the money deposited by said Auditor on account of such Bank. It shall also be the duty of said Auditor to collect all notes, bonds and accounts due and owing to said Old Bank of Kentucky; he shall sell and convey all lands which now do, or hereafter may, belong to said Bank; he shall also redeem, out of the funds of said Bank, any notes of said Bank that may be presented for payment, and such notes, when redeemed, after making a proper register of the same, shall be by him burned in the presence of the Second Auditor and Treasurer. Said Auditor shall make an annual report of the condition of the business of said Bank to the Legislature within three days after the commencement of its session.

**SEC. 3.** *Be it further enacted,* That O. G. Cates, the President and Agent of the Bank of the Commonwealth, shall, immediately after the passage of this act, upon the demand of the First Auditor, deliver over to said Auditor all the books, papers, bonds, notes, conveyances, and all other matters and things, belonging, or in any manner appertaining to said Bank, and which are in his possession, together with any money that may be in his hands; and upon the delivery of the property, as aforesaid, by said President and Agent, it shall be the duty of said First Auditor to audit and settle the accounts of said President and Agent, from the time of the settlement made by Commissioners with said President and Agent, up to the time of the delivery of the books, papers, bonds, notes, conveyances, and other property as hereinbefore directed.

**SEC. 4.** *Be it further enacted,* That it shall be the duty of said First Auditor to collect all bonds, notes, and accounts, due and owing to the Bank of the Commonwealth, and sell and convey all lands which now do, or which may hereafter, belong to said Bank: said First Auditor shall have full power to compromise any debt due to said Bank, if in his opinion it will be to the interest of said Bank to do so. Said Auditor shall make report of the settlement made by him with the President and Agent, as hereinbefore directed, to the next Legislature, and annually report the business and condition of

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Auditor to settle accounts of Agent, to be reported to Legislature.

Auditor to place money in Treasury, and draw warrants in favor of stockholders for dividends.

Collect all debts; sell and convey lands; redeem and burn notes, and report to Legislature.

President and Agent Bk Com'th to deliver to Auditor, books, papers, money, &c.

Auditor to settle with him.

To collect and compromise debts.

Report settlement with President and Agent to Legislature, and annually report, deposit money with Treasurer.



1846.

said Bank: all money which may be received by said Auditor, for and on account of said Bank, shall be by him deposited in the Treasury.

First Audit-  
or appointed  
President of  
Old Bank Ky.  
and Comon-  
wealth Bank.

SEC. 5. *Be it further enacted*, That for the purpose of closing the business of the Old Bank of Kentucky, and the Bank of the Commonwealth of Kentucky, the First Auditor shall be and he is hereby appointed the President of said Banks, and he shall have and exercise all the powers, which, by law, the Presidents of said Banks now have or may exercise.

Com's Sink-  
ing Fund, Di-  
rectors of said  
Banks.

SEC. 6. *Be it further enacted*, That the Board of Commissioners of the Sinking Fund shall constitute the Board of Directors of the Old Bank of Kentucky, and the Bank of the Commonwealth of Kentucky; and it shall be the duty of the First Auditor, as President of said Banks, to submit to said Board all matters of compromise of debts, sale of debts, or the sale of real estate; and the approval of a majority of said Board shall be authority for him to make such compromise or sale.

Charters ex-  
tended until  
1st March,  
1850.

SEC. 7. *Be it further enacted*, That for the purpose of carrying into effect the provisions of this act, the charters of the Old Bank of Kentucky and the Bank of the Commonwealth of Kentucky, be and the same are hereby extended until the first day of March, 1850.

Proviso.

SEC. 8. *Be it further enacted*, That all acts or parts of acts coming within the purview of this act, are hereby repealed: *Provided, however*, that nothing contained in this act shall be construed in any manner to affect any action or suit now pending in favor of either of said Banks; but the same shall be conducted in the name of the parties as if this act had not passed, under the direction and control of the First Auditor.

Approved February 21, 1846.

#### CHAPTER 302.

AN ACT requiring Sheriffs to execute bond in double the amount of the revenue collected.

*Be it enacted by the General Assembly of the Commonwealth of Ken'ucky*, That before any Sheriff shall receive the Commissioners' Books for the year 1846, and every year thereafter, it shall be the duty of the County Court to require a bond, with good and sufficient security, in such penalty as the court may direct; but in no case shall the penalty be less than double the amount of the revenue in such county for that year; and the bond shall be given in the same form as now directed by law.

Approved February 21, 1846.

## CHAPTER 304.

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AN ACT to amend the act concerning Slaves, approved February 5th, 1845, and for other purposes.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the third section of an act, approved February 5th, 1845, entitled, an act to amend an act, entitled, an act to amend the law concerning slaves, and for other purposes, approved January 28th, 1830, as requires persons convicted of an attempt to entice away slave or slaves from the service of their owner or owners, to give security, be and the same is hereby repealed; and that, hereafter, if any person shall be convicted of an attempt to persuade or entice away any slave or slaves from the service or employment of their lawful owner or owners, or the person in possession, within this Commonwealth, that each and every person so offending shall, on conviction thereof, be confined in the Jail and Penitentiary house of this Commonwealth for a period not less than one year, nor more than five years, at the discretion of a jury.

The law requiring persons convicted of enticing away slaves to give security, repealed; and such persons are to be confined in the Penitentiary.

**SEC. 2.** That, hereafter, when any person or persons shall be guilty of having excited any slave or slaves within this Commonwealth to insurrection or rebellion, against the Commonwealth, or to the lawful authority of the owner or owners of such slave or slaves by any means whatever, such person or persons, so offending, shall be subject to an indictment of a grand jury of the county in which the offence may have been committed; and, upon conviction thereof, may be sentenced to confinement in the Jail and Penitentiary for a period not less than five nor more than twenty years, in the discretion of a jury.

Penalty for exciting slaves to insurrection &c.

**SEC. 3.** That if any free negro or mulatto shall be guilty of either of the offences heretofore enumerated in this act, he or she shall, on conviction thereof, be confined in the Jail and Penitentiary house of this Commonwealth for a period not less than five nor more than twenty years.

Punishment of free negroes for the offences in this act.

**SEC. 4.** That it shall be the duty of each of the Circuit Judges of this Commonwealth, to give this act in charge to each and every grand jury summoned before their respective courts, and to see that it is faithfully executed.

This act to be given in charge to the grand jury.

Approved February 21, 1846.

## CHAPTER 306.

AN ACT to amend the election laws.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the several Sheriffs of this Commonwealth, when forwarding to the Executive certificates of the election of Representatives and Senators as members of the General Assembly, to append thereto state-

Number of votes for each candidate to be certified to the Governor.

1846. ments of the number of votes cast for each of the candidates voted for in the several counties.

Approved February 23, 1846.

#### CHAPTER 308.

AN ACT to provide for the taking of depositions of Attorneys at Law, and for other purposes.

Depositions  
of Attorneys.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky* That, hereafter, it shall and may be lawful for either party to suits at law pending in the courts of this Commonwealth to take the depositions of Attorneys at law, practicing in the courts of this State, to be read as evidence on the trial of suits at law.

Of persons  
out of the  
State.

SEC. 2. That it shall be lawful for either party to suits at law to take the depositions of persons out of the State, or about to leave the State, without dedimus or order of court, to be read on the trial of suits at law: *Provided*, that such depositions shall not be read if the witness shall be in the State at the time of trial.

Approved February 23, 1846.

#### CHAPTER 309.

AN ACT to amend the jury law.

Judgment to  
be entered  
without pay-  
ing jury fee.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the Circuit Judges in this State, upon the return of a verdict of a jury, to enter up judgment upon said verdict, with a stay of execution, until the jury fee is paid: and when the Clerk shall be satisfied that the jury fee is paid, it shall be the duty of the said Clerk to issue the necessary process, as is allowed by law to enforce said judgment.

Approved February 23, 1846.

#### CHAPTER 310.

AN ACT requiring County Courts to be held in Green county in the months of May and November, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Justices of Green county, be and they are hereafter required to hold County Courts on the third Mondays in the months of May and November.

The acts of  
Stephens as a  
Comm'r. legaliz-  
ed.

SEC. 2. *Be it further enacted*, That the acts of Joseph Stephens, as one of the Commissioners to value the estate of Hannah Miller, deceased, in the county of Kenton, be and the same are hereby legalized, as fully as if his name appeared as one of the Commissioners on the records of the Kenton Coun-

ty Court, appointed by said court; and that the County Court of Kenton shall have power, and is hereby authorized, to correct its record, so as to place the name of said Stephens as one of the Commissioners, aforesaid, it having been accidentally omitted on the record of said court by the Clerk of the same: and the said court shall make said correction *nunc pro tunc*.

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Approved February 23, 1846.

## CHAPTER 315.

AN ACT to amend an act, entitled, an act [for the benefit of the owners of mills, and other property injured by slackwater, approved 10th February, 1845.

WHEREAS, at the last General Assembly, an act was passed, entitled, "an act for the benefit of the owners of mills, and other property injured by slackwater, approved February 10th, 1845," which made it the duty of the Board of Internal Improvement, on application being made, to investigate all such cases, and has by the fifth section thereof expired. AND WHEREAS, it is represented to this Legislature, that time was not afforded to some of the applicants to take testimony in support of their respective claims. Therefore:

Preamble.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That said recited act shall be revived and continued in force for the further term of one year from the passage of this act; and that said Board shall be authorized to make further investigation on any claim heretofore reported on, upon the applicant filing an affidavit, with said Board, stating that he has other and further testimony touching his claim, which he desires to be taken: and said Board shall report thereon to the next Legislature, as directed in said act.

Act revived

Approved February 23, 1846.

## CHAPTER 316.

AN ACT prescribing further duties of the Board of Internal Improvement.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled, "an act to amend an act, entitled, an act to fix the tolls on the Green and Barren River Navigation, and provide for its future management," approved March 2d, 1844; also the act to which it is an amendment, and also so much of the act, entitled, "an act to amend the law establishing the Board of Internal Improvement," approved March 3d, 1842, as makes the Treasurer, for the time being, ex officio member of said Board, be and the same are hereby repealed.

A part of  
former law re-  
pealed.

SEC. 2. *Be it further enacted*, That the vacancy in the Board of Internal Improvement, created by the retiring of the Treas-

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Board to have the same powers over Green & Barren rivers that they have over the Ky. river navigation.

urer, shall be filled by the Governor, in the usual manner, by the appointment of some one residing at some suitable and convenient point on the Green and Barren river line of navigation.

SEC. 3. *Be it further enacted*, That the Board of Internal Improvement shall have full power and authority to fix, regulate and modify the rates of toll to be charged on the Green and Barren River Navigation, in the same manner, and to the same extent, that they now have upon the Kentucky River Navigation; and, in like manner, they shall have full power and authority to appoint a Superintendent of said navigation, and such Lock Keepers and other officers as may be necessary, and remove the same at pleasure; and they shall have all and every other power in reference to the control and management of the said Green and Barren River Navigation, which is now conferred on them in regard to the Kentucky River Navigation.

Salaries and expenses to be paid out of the Treasury.

SEC. 4. *Be it further enacted*, That the salaries and expenses of said Board, as now provided by law, shall be paid out of the Public Treasury, as the salary and expenses of the President of said Board now are; and that all incidental and other expenses of said Board shall also be paid out of the Public Treasury, as such expenses of other executive officers are now paid.

Tolls to be paid into the Treasury quarterly; and drawn for by the Board.

SEC. 5. *Be it further enacted*, That said Board shall, at the end of each quarter, or oftener if necessary, pay into the Public Treasury the gross amount of tolls collected from said lines of navigation; and shall be authorized to draw on the Auditor, at the commencement of each quarter, for such sum as they may think necessary to pay the laborers for the quarter ensuing; and they shall, at the end of each quarter, render to said Auditor, a full, true and correct account of their disbursements.

Approved February 23, 1846.

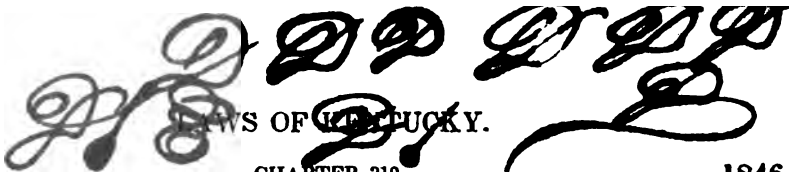
#### CHAPTER 318.

AN ACT to amend the law in relation to the Wilderness Turnpike Road.

A gate keeper to be appointed.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all laws requiring the Wilderness Turnpike Gate to be sold to the highest bidder, be and the same are hereby repealed: and the Governor, by and with the advice and consent of the Senate, shall appoint said Gate Keeper, as heretofore provided by law.

Approved February 23, 1846.



AN ACT prescribing the mode for a change of venue in criminal cases.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in all cases, where a change of venue shall be granted, by law, in criminal cases, it shall be the duty of the Clerk of the Circuit Court, in whose custody the indictment or any other papers in said case may be, to transmit such indictment, other papers, and a transcript of all orders made in said case, to the Clerk of the Circuit Court to which such venue may be changed: and upon the filing of a copy of the act, directing a change of venue in the court from which the change of venue is permitted to be taken, on the first day of the term next after the passage of the act granting the change of venue, or on the day such case may be called in said first term, it shall be the duty of the Judge of said Circuit Court, when the offence, for which such person or persons, who may apply for such change of venue, shall admit of bail to be taken, to recognize the defendant or defendants in such indictment, with such sureties as the said court shall deem proper, in a penalty to be fixed by such court, to be and appear before the Circuit Court to which such changing of venue shall be directed, on the first day of the next succeeding term thereof: said court shall also recognize the witnesses on behalf of the Commonwealth, and witnesses who may be present on behalf of such defendant or defendants to appear in said court to which said venue shall be directed to be taken. *Provided, however,* that in all cases, such changing venue shall not be taken unless such defendant or defendants shall appear in the court, where such indictment shall be depending, and elect to be tried in the court to which such change is directed to be made; which election shall be entered of record by the Clerk of said court.

When a change of venue is granted, the Clerk shall transmit papers, &c.

The Judge may take bail and recognize witnesses.

Defendant to appear in Court & make election.

SEC. 2. *Be it further enacted*, That whenever any change of venue shall be had in any criminal case, and the indictment shall be quashed, set aside, or in any manner whatever vacated, the Circuit Court to which such change of venue shall have been taken, shall have jurisdiction of the offence charged in said indictment, in the same manner as if the same had been committed in the county to which such change shall have been taken; and for that purpose shall use and exercise all the powers that such court might exercise had the offence been committed in said county.

Where an indictment may be quashed &c. new proceeding may be had.

SEC. 3. *Be it further enacted*, That all witnesses attending any court to which a change of venue in any criminal case shall be taken, shall be entitled to the same pay for attendance and mileage as if they had been originally summoned in said court.

Witnesses pay.

SEC. 4. *Be it further enacted*, That in all cases where the person or persons obtaining a change of venue, as aforesaid, shall be confined in jail, it shall be the duty of the Sheriff of the county where such person or persons may be confined, to

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remove him, her or them to the county where such change of venue is taken, and deliver him, her or them over to the Jailer of said county, before the first day of the term of the court at which the trial may take place according to the provisions of this act.

Approved February 23, 1846.

#### CHAPTER 321.

AN ACT to amend the charter of the Louisville and Elizabethtown Turnpike Road Company, and provide for the erection of a Bridge across Salt river, at the mouth.

Cost of the  
Bridge to be  
estimated.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the President and Managers of the Louisville and Elizabethtown Turnpike Road, may, as early as practicable after the next annual election of a President and Managers of said Company, cause an estimate to be made of the cost of erecting a bridge across Salt river, where said Turnpike road was located to cross the same, together with the cost of elevating the earth at each end of the bridge to be built, which may be found necessary to its approach: to which may be added a sum deemed sufficient to cover incidental and contingent expenses.

Advertise a  
day for open-  
ing books for  
subscription of  
stock.

Covenant of  
subscribers.

SEC. 2. That the President and Managers may then give notice, to be published in the Louisville Journal and Elizabethtown Register, four successive weeks, fixing a day on which books will be opened at Louisville, Elizabethtown, and West Point, for the purpose of receiving subscriptions of stock to erect said bridge, from those who are now the owners of stock in the Louisville and Elizabethtown Turnpike Road. The notice shall also specify the sum to be raised by subscription. The said President and Managers, by an order, may designate one or more persons at each of said points, to open said books and receive subscriptions; one hundred dollars shall be considered a share of stock. Each book shall contain the following covenant: "We whose names are hereto subscribed, bind ourselves to pay the President, Managers and Company of the Louisville and Elizabethtown Turnpike Road, the sum of one hundred dollars, for each share of stock set opposite our names, for the special purpose of building a bridge, and necessary elevations of earth on each side of the same, across Salt river, near the mouth, in such amounts, and at such times, as may be ordered and directed by the President and Managers authorized to be elected by the provisions of an act of the Legislature of Kentucky, of which this obligation is a part, entitled, an act to amend the charter of the Louisville and Elizabethtown Turnpike Road Company, and to provide for the erection of a bridge across Salt river, near the mouth."

SEC. 3. That the books shall remain open for one month, during which time the present owners of stock shall have the

exclusive right to subscribe for and take the requisite amount of stock; at the expiration of one month, if the amount necessary to build said bridge shall not have been subscribed, such failure shall be deemed and regarded as a waiver of the right on the part of those who have not subscribed stock, and the books shall then be opened free for any one to subscribe stock to the amount of the residue.

SEC. 4. That when a sufficient amount of stock shall have been subscribed, the President of said Company shall publish the fact in the Louisville Journal, and fix upon a time and place for said stockholders to meet; at which meeting, said stockholders shall elect three of their own number, who shall be called bridge managers; they may also elect a receiver; and said managers may, from time to time, elect receivers of toll. Said stockholders shall, at the annual election of a President and Managers of the said Turnpike road, vote for a President of said road and three bridge managers. The President of said road, and the bridge managers, shall have the power to make by-laws for the regulation of monetary transactions, and other business pertaining to said bridge. All contracts made, growing out of said bridge, shall be made in the name of the President, Managers and Company of the Louisville and Elizabethtown Turnpike Road, for the use of the stockholders in said bridge. All causes of action which may arise in favor or against said bridge stockholders, shall be brought in that name and style. The President and Managers shall cause a book to be kept, in which a register of the amount received daily for tolls shall be kept. The President shall, annually, report to the Legislature the amount received and disbursed to stockholders, and for expenses. Dividends may be declared semi-annually. The profits arising from said bridge shall belong exclusively to those who have subscribed stock to build said bridge.

SEC. 5. That upon failure to pay the stock subscribed under the provisions of this act, suits may be instituted before Justices of the Peace, or in the Circuit Court, if the amount then levied exceeded fifty dollars; one recovery shall not be a bar to another for the residue of the stock; but suits or warrants may, from time to time, be brought, as levies or requisitions are made; and the right of replevin shall not be allowed to the defendants in executions on such judgments.

SEC. 6. That the bridge managers may contract and agree, with the owners of ferry tolls, upon a price for the ferry privileges, to be subscribed as stock in said bridge: upon making such agreement, the same shall be reduced to writing, under the hands and seals of the parties; and the owner of ferry privileges, thus agreeing, shall subscribe in one of the stock books, as stock, the agreed price. The amount thus subscribed shall be considered as paid, and constitute part of the capital stock. If such agreement cannot be made, the said managers and owners of ferry tolls may agree upon a price to be paid in

1846.

Books to remain open one month, and if stockholders of road have not then subscribed enough for the bridge, others may then subscribe.

When enough stock subscribed, the fact to be advertised, and a meeting of stockholders called to elect Managers, &c.

All contracts, and all causes of action relating to the bridge, shall be in the name of the President, Managers & Co. of the Louisville & Elizabethtown road, &c.

Daily amount of bridge tolls to be recorded in book, and report made to Legislature, of receipts, disbursements & dividends, &c.

Suits against all subscribers failing to pay in stock, and replevin not allowed.

Managers may covenant with owners of ferries, and receive value of ferries as stock in bridge, &c.



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Or may purchase out ferries, &c.

If no contract can be made with ferries, right of inquest and condemnation granted.

money; and any deed made by said owners of the ferry rights to the stockholders in said bridge, shall fully and completely vest in them, their heirs, and assigns, the fee simple right to said tolls and ferry rights. *Provided, however*, if the amount should be subscribed as stock, and from any casualty the bridge shall fall into disuse, the ferry rights shall revert to the original holders, their heirs, or assigns, to be exercised and fully enjoyed so long as said bridge shall remain disused. If no contract can be effected, by which the ferry rights can be acquired by said stockholders, the right of inquest and condemnation of the ground appropriated for the use of said stockholders shall be reciprocal, and exist as well in the President, Managers and Company of the Louisville and Elizabethtown Turnpike Road, as in the owners of said ground on each side of the stream. The party desiring a warrant shall apply to a Justice of the Peace in the county where the ground sought to be condemned shall be, who shall issue his warrant, commencing in the usual form, and commanding the Sheriff of the county to cause to be summoned and empaneled, twelve discreet house keepers, whose duties it shall be to attend on the ground, at the time and place commanded by said writ. Each party shall have the right to peremptory challenge of three persons summoned as jurors. After empanneling said jurors, they shall be sworn by a Justice of the Peace, who shall preside, to well and truly enquire into and a true verdict give of all damages which the owner of said ferry tolls may sustain by reason of the erection of said bridge on the ground condemned; and, in like manner, if required, ascertain and render a verdict for the value of so much ground adjoining thereto as may be necessary for the building a toll house. The grounds, thus condemned, shall be particularly described. The verdict shall be signed and sealed by the jurors, and attested by the Sheriff, who shall also make his return of the facts. Any verdict, thus rendered, shall be returned to the Clerk's office of the county in which the warrant issued, and recorded in a deed book, for which the Clerk shall be entitled to one dollar, and the Sheriff three dollars, to be paid by the party applying for the same. If the warrant be sued out by the President and Managers, the same shall be served on the owner and proprietor of the lands, sought to be condemned, ten days before trial. And if the warrant should be sued out by the proprietor, the same shall be served on, and the like notice given to the President and bridge managers; and, with that view, process may be sent to any county in the State, and served by any Sheriff in said county. If, for any cause, a continuance shall be granted, a day shall be fixed by the Justice for the trial, to be endorsed on the warrant; and if process be not served, an alias may be issued. Upon a continuance of the cause, the Sheriff shall summon another jury to appear on the day set for trial. The bridge managers may, in like manner, cause to be sued out a warrant, before a Jus-

tice of the Peace, and cause to be condemned any stone quarry, and the right of way to the same: a jury shall, in like manner, be empaneled and sworn, and proceedings had thereon as herein provided. The right to use any quarry of stone, so condemned, and the right of way, shall, upon payment of the damages, remain in said President, Managers and Company of the Louisville and Elizabethtown Turnpike Road, until the bridge shall be completed.

SEC. 7. That it shall be lawful when said bridge is completed, for the stockholders of said bridge stock, to demand and receive tolls for crossing said bridge, according to the following rates: for each wagon, with six horses, 50 cents; for each wagon, with five horses, 40 cents; for each four horse team, or pleasure carriage with two horses, 35 cents; for each wagon, with two horses, or traveling vehicle, with one horse, 25 cents; for man and horse, 10 cents; for each loose horse, not exceeding five in number, 2½ cents each; for horses, mules, &c., in droves, 2 cents per head; for each head of net cattle, one cent; sheep, hogs, or other stock, one half cent per head: *Provided, however*, if after a fair experiment shall have been made, and the fact ascertained that the above tolls are insufficient to yield a net profit on the costs of erection, including capital stock and contingent expenses, said managers may alter the rates of toll, in such manner as to secure a net dividend of ten per centum per annum. It shall be the duty of the President, in his first annual report to the Legislature, after the said bridge shall have been completed, to report the amount of capital employed in building said bridge; in which estimate there shall be included the amount of stock subscribed for and on account of a surrender of ferry rights, and all incidental expenses.

SEC. 8. The stockholders in said bridge shall be liable, in the same manner that stockholders are in other incorporated companies in Kentucky are made and held liable, for any damage or injury done or sustained by any individual in crossing said bridge, or which may be sustained by those descending the river in boats, or other crafts, provided such injury be not the result of the negligence or carelessness of the owner or person having charge of such boat or craft. For such injuries, suits may be brought, either in the county of Hardin or Jefferson counties. *Provided*, that in no instance, where judgment is obtained against the President, Managers and Company of the Louisville and Elizabethtown Turnpike Road, for and on account of any transaction growing out of the concerns of the bridge, shall the rights, credits, or assets of the road company proper, be attached or restrained; nor shall the effects of the bridge stockholders be restrained or levied upon to satisfy any judgment rendered on account of any transaction growing out of the road concerns.

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May also condemn any stone quarry.

Rates of bridge tolls.

Proviso.

Ten per cent. dividends.

Amount of capital, &c. to be reported to Legislature.

Liabilities of stockholders for injuries in the crossing bridge and navigating stream.

Suits for such damages.

Proviso.

1846.

Reservation by  
the Legisla-  
ture.

SEC. 9. The Legislature reserves the power, if the stock is not taken to build the bridge herein provided for within five years, to repeal this act.

Approved February 23, 1846.

#### CHAPTER 322.

AN ACT for the benefit of the Lunatic Asylum.

An appropri-  
ation \$5,000 to  
make improve-  
ments.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of five thousand dollars, be and the same is hereby appropriated to the Lunatic Asylum, for the purpose of enabling the Directors to make such additions to the buildings of said institution as they may deem necessary and proper; and the same shall be paid to the Chairman of the Board of Directors, upon his executing bond with security, to be approved of by the Fayette County Court, in the penalty of twenty thousand dollars, conditioned for the faithful application of the same to the purposes herein provided for.

Parts of for-  
mer law repeal-  
ed, and Judges  
to cause inquisi-  
tions to be  
held in vaca-  
tion.

SEC. 2. That the first, second, third, fourth, and sixth sections of an act providing compensation to Sheriffs and others, for conveying persons of unsound mind to the Lunatic Asylum, approved March 10, 1843, be and the same are hereby repealed; and the fifth section of said act is so amended as to authorize the Circuit Judges of this Commonwealth, not only to issue writs, and direct juries to be summoned in vacation, to inquire into the state of mind of any unsound person, but said Judges are authorized to act in all respects, in the same manner, and to make the same orders, as if the inquisition were held in open court; and they shall cause their proceedings to be entered of record in the Circuit Court Clerk's Office of the county where the inquisition is had, as if held in open court. And said Judges are authorized to hold inquisitions in any county, whether the person of unsound mind resides in said county or not.

Providing for  
conveying Lun-  
atics to Asy-  
lum.

SEC. 3. That hereafter it shall be the duty of the courts, in all cases where persons of unsound mind are ordered by said court to be conveyed to the Lunatic Asylum, to appoint some prudent person to convey them to the Asylum, who shall not receive more compensation for his services than will pay his expenses in going and returning, to be fixed by the court, and certified by the Clerk; and if said court cannot obtain a suitable person, upon such terms, the Clerk of said court shall forthwith transmit to the Directors of said Asylum, a copy of the record in such case, and if the proceedings have been regular, and the party be entitled to admission and support, at the expense of the State, the said Directors shall immediately send and have such person or persons conveyed to the Asylum, who shall not receive more for his services than a sufficient amount to defray necessary expenses.

SEC. 4. That in all examinations ordered by the court, as to the unsoundness of the mind of any person, the jury shall enquire and report on the following points: The age? Occupation? Married or single? Length of time insane? Is it the first attack? How did it exhibit itself? Has it changed? Is there violence? Are there any peculiar illusions? Is the disposition much changed? Ever attempt to commit suicide? Is the patient subject to fits? How long? and from what cause? What the cause of insanity? Any relations insane? What are his or her habits? Is he or she educated? What is his or her natural temper? Affection to relations? and general health? *Provided, however,* that the failure of the jury to respond to any of the enquiries herein suggested, shall be no cause for refusing to receive any lunatic into the Asylum.

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Facts to be found by the jury.

SEC. 5. That all bonds taken by said Directors, for the boarding of lunatics, or other purposes, shall be made payable to the Commonwealth; and all causes of action arising thereon, or in any way accruing to the Commonwealth, on account of persons confined in said Asylum, may be maintained and prosecuted in the General Court.

Bonds for paying boarding in Asylum.

SEC. 6. That the Directors of said Asylum, be and they are hereby authorized to charge the patients, who are able to pay for their maintenance and support, such sum as they, in their discretion, may deem just and equitable, not exceeding five dollars per week, regulating the charge according to the trouble given, and the accommodations required.

Charges for persons able to pay.

SEC. 7. *Be it further enacted,* That it shall be the duty of the Governor to appoint three discreet and suitable persons, as Commissioners, to select some eligible location in the Green River Country, or Southern portion of the State, for the erection of a Lunatic Asylum; and that it be made their duty to report to the next General Assembly.

Commissioners to be appointed to select a site for an Asylum in Green River country, &c.

Approved February 23, 1846.

#### CHAPTER 325.

AN ACT for the benefit of the Kentucky Institution for the Education of the Blind.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That three thousand five hundred dollars, of the dividends which may be declared by the Bank of Kentucky, upon the stock held by the Board of Education in said Bank, between the 1st day of January, 1846, and the 1st day of January, 1847, be and the same are hereby set apart and appropriated to the Kentucky Institution for the Education of the Blind; to be drawn for in the manner, and upon the terms prescribed by the act, entitled, "an act to establish the Kentucky Institution for the Education of the Blind:" *Provided,* that the sum of nineteen hundred and twenty nine dollars, seventy eight cents, arising therefrom,

\$3,500 of bank dividends appropriated to the Institution.

Proviso.

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shall be applied to the payments of the debts now due by said institution, and the balance, if any there be, to the purchase of a suitable library, apparatus, and instruments, and the erection of necessary improvements for the use of said institution.

Report to be made of the application of the fund, books, apparatus, &c. to the Legislature.

SEC. 2. That it shall be the duty of the President and Managers of said institution, to report in their next annual report to the General Assembly, the manner of the application of the fund hereby appropriated, with a complete list of the books, apparatus and instruments purchased by virtue of this act, with the prices thereof.

Condition of appropriation.

SEC. 3. That the appropriation hereby made, is upon the condition, that the title to the property, real, personal, and mixed, belonging to, or in any wise pertaining to said institution, is and shall be fully vested in the President and Managers, and their successors in office, in trust and for the use of the Commonwealth of Kentucky.

Dividends to be placed to credit Commissioners Sinking Fund, after Jan. 1847, and paid into Treasury.

SEC. 4. *Be it further enacted*, That from and after the 1st day of January, 1847, all dividends declared by the Bank of Kentucky, on the stock held by the Board of Education, shall be placed, by said Bank, to the credit of the Commissioners of the Sinking Fund; whose duty it shall be to cause the sum so declared as dividend, to be paid into the Treasury; which money may be drawn by the Superintendent of the Board of Education, as other moneys which, by law, he has the right to draw for purposes of education.

Approved February 23, 1846.

#### CHAPTER 326.

##### AN ACT concerning the Public Printing.

Rates of composition.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, hereafter, the Public Printer shall be authorized to receive for the Public Printing, exclusive of paper, the following prices, viz: For composition of the Acts, Journals, Public Documents, and other book and pamphlet work, not ruled or figure work, in small pica type, and in type of less size than small pica, per 1,000 ems, fifty cents. For rule and figure work, in same kind of type as above, for each 1,000 ems, one dollar. For plain rule work or plain figure work, in same type as above, for each 1,000 ems, seventy five cents. For composition on all bills, reports, or resolutions, required to be printed on cap paper, or in folio form, per 1,000 ems, one dollar. For plain blanks, per quire, on cap or letter paper, fifty cents. For ruled blanks, per quire, on letter or cap paper, one dollar. For plain blanks on post, and similar sized paper, per quire, seventy five cents. For ruled blanks on post, and similar sized paper, per quire, one dollar and fifty cents. For advertising list of non-residents' lands, per tract, twice a month for three months, twenty five cents.

For blanks, of various kinds.

For advertising non-residents' and forfeited lands, &c.

For advertising lands to be forfeited to the State for the non-payment of taxes, per tract, twice a month for three months, twenty five cents. For press work per token (or 240 impressions,) whether on book work, bills, resolutions, or reports, seventy five cents. For transferring any report, document, or other matter, after having once been set in type, to either the Journal of the Senate, or Journal of the House of Representatives, or the Legislative Documents, when it is necessary to do the same, per 1,000 ems, ten cents.

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For press work.

For transferring matter.

SEC. 2. *Be it further enacted*, That it shall be the duty of the 2d Auditor to provide all the paper necessary for the public printing; for the use of the public offices at the Seat of Government; and for the use of the Legislature; together with ink, wafers, and all other stationery; and for that purpose, may advertise for proposals to furnish such paper or other stationery, or purchase the same in such other manner as he may deem best for the interest of the State. It shall also be his duty, to have published before the commencement of each session of the Legislature, a sufficient number of the reports of the 1st and 2d Auditor, the Treasurer, and President of the Board of Internal Improvement, for the use of the Legislature, and for such public offices as are required to be furnished with such reports.

Second Auditor to furnish paper for Public Printer, & stationery for legislature and all public offices.

And have certain reports published before meeting of Legislature.

SEC. 3. *Be it further enacted*, That the 2d Auditor may advance to the Public Printer any sum not exceeding eighty per cent. of the amount of any job ordered to be executed, at any time during the execution of the same, and from time to time, as the work may progress, taking care that the sum advanced shall, at no time, exceed eighty per cent. of the work actually done.

Eighty per ct. to be advanced to Public Printer, &c.

SEC. 4. *Be it further enacted*, That the 2d Auditor shall, in all cases before he shall receive any paper upon any contract made under the provisions of this act, submit the same to the examination of the Public Printer, and such other competent judges as he may deem necessary; and if they shall approve of such paper, he may receive the same.

Fitness of paper to be approved by Public Printer.

SEC. 5. *Be it further enacted*, That it shall be the duty of the 2d Auditor to contract for the binding of the Journals, Acts, and volume of Legislative Reports, at the lowest price at which they can be done: *Provided, however*, that he shall not, in any instance, exceed the sum of \_\_\_\_\_ cents per volume.

Second Auditor to contract for binding of Acts, Journals and Reports.

SEC. 6. *Be it further enacted*, That it shall be the duty of the 2d Auditor, to examine the accounts of the Public Printer from the time of his contract under the law of 1842, up to the close of the present year, and audit the same and report to the next Legislature. And hereafter it shall be the duty of the 2d Auditor, to audit and settle the accounts of the Public Printer, for each year, and make report of such settlement, in his annual report to the Legislature.

To examine and audit accounts of Public Printer and report to Legislature.

Approved February 23, 1846.

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## CHAPTER 327.

AN ACT to amend the charter of the Glasgow and Scottsville Turnpike Road Company.

Proceedings  
when the road  
is out of repair.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, hereafter, complaint may be made to any two Justices of the Peace, that any part of the Glasgow and Scottsville Turnpike Road, upon which toll is charged, is out of repair; and it shall be the duty of the person making complaint, to file his causes in writing, in which the place or places out of repair shall be set forth; and, upon the filing of such information in writing, said Justices shall issue their warrant, in which shall be copied said written information, commanding the President and Directors of said company to appear before themselves, or any two Justices of the Peace, to answer to the charge: service of said warrant on the President of the Board shall be deemed a good and sufficient service. If, upon hearing the cause, the Justices, before whom such warrant may be tried, shall be satisfied said road is not in repair, and that public convenience requires that the same should be repaired, they shall cause an order to be made and served, as aforesaid, commanding that said road shall be repaired; and should said President and Directors fail, for the space of thirty days after the service of said order, to put said road in repair, said Justices shall issue their order directing that no tolls shall be collected at the nearest gate to that part of said road out of repair until the same shall be repaired.

May charge  
toll at bridge.

SEC. 2. That in consequence of the costly bridges on said Glasgow and Scottsville Turnpike Road, across Skeggs' creek, Barren river, and Trammell, said President and Directors be authorized to charge and receive at some one of said bridges, the same rates of tolls, and in the same manner, allowed to be received on Turnpike Roads, by an act approved February 25th, 1842, entitled, "an act regulating the tolls on Turnpike Roads, in which the Commonwealth is a joint stockholder, and for other purposes."

Penalty for  
evading the  
payment of toll.

SEC. 3. That if any person or persons, owning or driving any carriage of freight, mail coach, or of pleasure, or riding, leading, or driving any horse, or mule, or driving any description of stock, shall, in order to evade the payment of tolls on said Glasgow and Scottsville Turnpike Road, at any gate erected thereon, or other place where tolls are authorized to be received, pass through any private gate, bars, or fence, or over any ground along, or near said Turnpike; or, if any person or persons shall practice any device, whereby he, she, or they shall evade the payment of tolls due from him, her, or them, every person, so offending, shall, for every such offence, forfeit and pay, to the President and Directors of said road, the sum of ten dollars, to be sued for and recovered with costs of suit by an action of debt before any Justice of the Peace in this Commonwealth, in any county wherein the person, or persons, so offending, may be found.

**SEC. 4.** That if any person shall wilfully burn any bridge on said road, every person, so offending, his aiders and abettors, being thereof duly convicted, shall undergo a confinement in the Jail and Penitentiary house of this Commonwealth, for a period of not less then two years nor more than five years.

1846.

Penalty for the burning a bridge.

**SEC. 5.** That if any person shall wilfully pull, or cut, or break down, or otherwise injure any bridge on said road, or shall wilfully pull, cut, or break down any Turnpike gate erected on said road, every person so offending, his aiders and abettors, shall be deemed guilty of a high misdemeanor, and shall be subject to a presentment or indictment of a grand jury; and, upon conviction, shall be fined at the discretion of a jury, any sum not exceeding the value of the injury, and be imprisoned not less than three nor more than twelve months.

Penalty for injuring a bridge or breaking down a Turnpike gate.

**SEC. 6.** That when any person may be charged with either of the offences mentioned in the fourth and fifth sections of this act, it shall be lawful for some Justice of the Peace for this Commonwealth to issue his warrant to apprehend such person, and either to commit him or her to the Jail of the county where such offence may be committed, or recognize the offender, with sufficient bail, to appear at the next Circuit Court for such county.

Proceeding against persons charged with above offences.

Approved February 23, 1846.

#### CHAPTER 328.

**AN ACT** to extend the time for registering Headright Certificates, and for other purposes.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the time of receiving and registering headright plats and certificates, be and the same is hereby extended, until the first day of January, 1850; and that all surveys which have been received since the last law expired, be and the same are hereby legalized and made valid.

Headright surveys.

**SEC. 2.** *Be it further enacted,* That the Register of the Land Office be required to register and issue patents upon all surveys which have heretofore been legally made, upon legal orders of the County Court of Knox county, agreeably to the provisions of the act of 28th February, 1835.

Surveys on Knox County Court orders.

Approved February 23, 1846.

#### CHAPTER 329.

**AN ACT** to incorporate the Commissioners of the Sinking Fund of Kentucky.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Commissioners of the Sinking Fund of the State of Kentucky, and their successors in

Commissioners of the Sinking Fund created a body politic.



1846.

office, shall be and they are hereby created a body politic and corporate, and by the name and style of "The Commissioners of the Sinking Fund of the State of Kentucky," shall have corporate existence, and in that name and style, may sue and be sued, contract and be contracted with, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places, as natural persons; and may have and use a common seal, and change, alter and renew the same at pleasure; and they may ordain and put into execution, such by-laws, rules and regulations for their good government, and prudent and efficient management of the affairs, as may be thought most proper, provided they be not contrary to the Constitution of this State and of the United States.

Resources of  
Sinking Fund  
held sacred to  
pay interest on  
Internal Im-  
provement debt.

SEC. 2. That for the purpose of paying the interest on moneys borrowed by the State of Kentucky, for purposes of Internal Improvement, and for which the bonds of the State are now held, all moneys derivable from sources which, by law, constitute the Sinking Fund, or placed to their credit and under their management, or which may hereafter be provided in aid of the Sinking Fund, shall be held sacred for the purposes aforesaid, by and in the name of the Commissioners of the Sinking Fund of the State of Kentucky.

Moneys to be  
audited and  
paid into Treas-  
ury.

SEC. 3. That all moneys received or placed under the control and to the credit of the Commissioners of the Sinking Fund, shall be audited by the First Auditor, and paid into the Treasury of the State, and drawn for, and in the name of the Commissioners of the Sinking Fund, for the purposes herein specified, upon the warrant of the First Auditor on the Treasury.

Commissioners  
may purchase  
and sell ex-  
change; depo-  
site funds in  
Banks; buy  
Bank stocks, &  
pay off bonds;  
subscribe for  
Bank stock.

SEC. 4. That with a view to render said fund available, the Commissioners of the Sinking Fund of the State of Kentucky may and are hereby vested with power and authority to purchase and sell bills of exchange to the extent, and no more, than the annual income of the Sinking Fund, for the purpose, and no other, of paying the interest on the State debt. They may place on deposit, with any of the Banks of this State, or the Savings Institution at Louisville, any moneys under their control and management, upon such terms as may be agreed upon between the parties. They shall have power to purchase the stocks of any of the Banks in Kentucky, or they may apply any surplus on hands to the payment of any of the Internal Improvement bonds of the State, when the same can be had at their nominal value: *Provided, however*, that said Commissioners shall reserve an amount, by them deemed sufficient, to guard against the casualties which may happen to said fund. They shall have power, a majority of the Commissioners of the Sinking Fund concurring, to subscribe for and on behalf of the State of Kentucky, five thousand shares of stock in the Bank of Louisville, and three thousand shares in the Bank of Kentucky, under the reserved right of the State, by the charters of said Banks: *Provided, further*, that they shall

not, at any time, subscribe for more of said stock than they have the means on hand to pay for: *Provided, further*, the power to deal in bills of exchange shall not apply to any surplus on hand over paying the interest, but such surplus shall be vested as herein provided for.

SEC. 5. That with a view to the redemption of the bonds of the State, made payable within or at the expiration of six years from the date thereof, the Governor is hereby authorized to issue, in exchange therefor, bonds of the State, bearing an interest of not exceeding six per cent. per annum, and redeemable on a particular day, or at the pleasure of the government, after any time which may be specified upon the face of the bond; or he may issue and sell, for their nominal value, any such bonds, and apply the proceeds thereof to the payment of six year bonds. In the event a sale shall be made of bonds with a view to the payment of the six year bonds, it shall be the duty of the Governor to make proclamation, that the government will, at the Treasury, make payment of such bonds, on a day to be designated, and that all such bonds not presented on that day for payment, shall thereafter bear an interest of four per centum per annum only, until presented for payment.

SEC. 6. That the Governor may, by order of the Commissioners of the Sinking Fund, issue the bonds of the State in exchange for those heretofore issued by the State, other than the six year bonds: *Provided*, that in no case shall the rate of interest be increased, but the place of payment may be fixed at any point in the United States, and those desiring the change will consent to receive bonds made payable at the pleasure of the government, at any time after a day fixed for payment on the face of the bond.

SEC. 7. That there shall be kept a register of all bonds issued, noting the rate of interest, where to be paid, and the date of maturity of the bond; and all bonds paid by exchange or otherwise, shall be registered in the office of the First Auditor; and, in like manner, shall all coupons be registered by the direction of the Commissioners of the Sinking Fund, and cancelled and burnt in the presence of the First Auditor, Treasurer, and Secretary of State.

SEC. 8. That the Governor of the State of Kentucky, for the time being, shall be the Chairman of the Commissioners of the Sinking Fund of the State of Kentucky, and all contracts made by order of, or in the name of said Commissioners, shall be signed by him as Governor of the State of Kentucky and Chairman of the Commissioners of the Sinking Fund of Kentucky, and all orders and requisitions for money shall be drawn by him, in his official character: *Provided, however*, in his absence from the Seat of Government, sickness, death, or resignation, the Secretary of State, for the time being, shall be vested with all the powers hereby given to the Governor.

1846.

Governor may issue bonds in exchange for six year bonds, or sell bonds and redeem them, &c.

Governor may issue new bonds for old bonds.

Register to be kept of bonds issued and coupons redeemed, &c.

Governor to be Chairman of the Commissioners; First Auditor to be a member; Secretary of State to have powers of Chairman in certain cases.

1846.

The First Auditor shall be a member of the Board of Commissioners of the Sinking Fund.

Governor to fill  
vacancies.

SEC. 9. The Governor shall fill, by appointment, all vacancies which may occur in the Board of Commissioners; which appointment shall be laid before the Senate, at the succeeding session, for their advice and consent.

Reservation.

SEC. 10. The Legislature reserves the right to amend, modify, or repeal this act at pleasure.

Approved February 23, 1846.

#### CHAPTER 331.

AN ACT in relation to the Penitentiary.

Governor to  
purchase a lot  
of ground.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Governor be and he is hereby authorized to contract with Austin P. Cox for the purchase of the lot of ground adjoining the Penitentiary, in the town of Frankfort, for any sum not exceeding two thousand four hundred dollars, for the entire lot, including the 45 feet by 80 feet, heretofore agreed to be purchased by the Commissioners of the Sinking Fund; and to see that said lot is conveyed to the Commonwealth by a good and sufficient deed.

Walls to be ex-  
tended around  
said lot, and  
buildings erec-  
ted therein.

Proviso.

Cistern to be  
built.

Proviso.

Roof to be re-  
paired, and  
windows made.

SEC. 2. *Be it further enacted,* That the Commissioners of the Sinking Fund, shall cause to be extended around the lot of ground, directed by this act to be purchased, provided the cost thereof shall not exceed four thousand seven hundred and thirty one dollars, the walls of the Penitentiary, and cause a building to be erected within the walls of said Penitentiary, as extended, for an eating house and chapel: *Provided,* the cost of such building shall not exceed the sum of three thousand five hundred dollars. They shall also cause to be erected in a suitable place in the yard of said Penitentiary, a cistern, for the purpose of furnishing sufficient water in case of fire: *Provided,* the cost thereof shall not exceed two hundred dollars; said Commissioners shall, also, cause the roof of the offices of said Penitentiary to be repaired and placed in good order; and suitable and secure windows to be placed in the wall enclosing the cells, so as to admit of a free circulation of air within said walls.

Credits to be  
allowed Keep-  
ers in settle-  
ments.

SEC. 3. *Be it further enacted,* That the Commissioners of the Sinking Fund, on their settlement with the Keepers of the Penitentiary, shall allow said Keepers credit for the sum of \$1,794 38, that being the amount of deficiency in the \$5,000 agreed to be paid by said Keepers to the Commonwealth, as her net profit of the Penitentiary for the year 1844, after paying over the entire profits of the Penitentiary to said Commissioners; and that said Commissioners, also, in their next settlement with said Keepers, allow said Keepers credit for whatever sum the entire profit of said Penitentiary, for the

year 1845, shall fall short of the said sum of \$5,000, agreed to be paid to the State, as the net profits for that year; *Provided*, the amount so allowed shall not exceed the sum of one thousand seven hundred ninety four dollars thirty eight cents.

SEC. 4. *Be it further enacted*, That the Commissioners of the Sinking Fund allow said Keepers of the Penitentiary credit for the sum of one thousand one hundred and nine dollars seventy cents, upon said Keepers executing to the Commonwealth, a bill of sale, to be filed with the Clerk of the Penitentiary, for the engine, hose, pipe, cisterns, casks, and buckets, purchased by said Keepers for the use of the Penitentiary.

SEC. 5. *Be it further enacted*, That for the purpose of aiding the Commissioners of the Sinking Fund in purchasing the lot, extending the walls, and erecting the cistern, and building the eating house, and repairing the roof of the offices contemplated by this act, that the Second Auditor shall issue his warrant on the Treasurer for the sum of six thousand dollars to be paid out of any money in the Treasury not otherwise appropriated; and the balance of the sum necessary to complete the purchase of said lot, extending the walls, and erecting the cistern, building the eating house, and repairing the roof of the offices, shall be paid out of the profits of the Penitentiary: *Provided*, that the said Keepers of the Penitentiary, shall, before such warrant shall be issued by said Second Auditor, execute bond, with good security, in the penalty of ten thousand dollars, payable to the Commonwealth, and conditioned to repay said sum of six thousand dollars, into the Treasury, out of the net profits of the State, to arise from the business of the Penitentiary, on or before the time limited for the expiration of their office. Which profits the Keepers guaranty to be sufficient to pay the same.

SEC. 6. *Be it further enacted*, That the Clerk of the Penitentiary shall hereafter be allowed the sum of eight hundred dollars per annum, instead of seven hundred and fifty dollars, as now allowed by law, to be paid in the same manner as now directed by law.

SEC. 7. *Be it further enacted*, That the Second Auditor shall issue his warrant upon the Treasury in favor of the present Keepers of the Penitentiary for the sum of ten thousand dollars, to be paid out of any money in the Treasury not otherwise appropriated: *Provided*, that the said Keepers of the Penitentiary shall, before such warrant shall be issued by said Second Auditor, execute bond, with good and sufficient security, to be approved by the Governor, in the penalty of twenty thousand dollars, payable to the Commonwealth, and conditioned that they shall pay an interest of six per cent. per annum upon the same, payable semi-annually, to the Commissioners of the Sinking Fund; and for the re-payment of the principal sum back into the Treasury of this State at the expiration of their term of office.

1846.

Proviso.

Credit allowed Keepers for cost of fire engine, &c., and bill of sale to be filed with the Clerk of the Penitentiary.

\$6,000 appropriated for the above objects, and residue to be paid out of State's profits.

Proviso.

Salary of clerk increased.

Ten thousand dollars loaned the Keepers, upon bond and security.

1846.

## CHAPTER 332.

AN ACT providing, for the running and marking the line between Boone and Kenton counties.

Commissioners  
to survey and  
mark line.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Lewis Webb, of the county of Boone, and Leonard Stephens, of the county of Kenton, together with the Surveyors of Boone and Kenton counties, shall, at any time before the first day of July, 1846, proceed to survey and mark the boundary line between the said counties of Boone and Kenton, according to the laws establishing said counties; said Commissioners to take proof to enable them to so re-run and mark the lines, properly, according to the acts establishing the counties of Boone and Kenton. It shall be the duty of said Commissioners to report to the County Courts of said counties of Boone and Kenton, a full statement, setting out the beginnings and bearings of the lines so run, noting particular points in the same, and length and termination thereof. It shall be the duty of the respective County Courts, to cause the reports to be recorded.

Report to  
county courts.

Compensation.

One half to be  
paid by each  
county.

SEC. 2. That said Commissioners shall have power to employ two Chain Carriers, who shall be sworn faithfully to discharge the duties devolving on them as Chain Carriers. Said Commissioners, Surveyors, and Chain Carriers shall be allowed the following compensation, to-wit: the Commissioners shall be allowed two dollars, each, per day, that they shall be employed; the Chain Carriers shall be allowed one dollar, each, per day; the Surveyors shall be allowed the compensation now allowed by law for similar services—one half of which shall be paid by the county of Boone, and the other half shall be paid by the county of Kenton—and the County Courts of the respective counties shall provide therefor in their next county levy.

Commissioners  
to take oath.

SEC. 3. That, before the said Commissioners shall proceed to act, they shall take an oath that they will cause the line to be run according to bounds set out in the several acts establishing the counties of Boone and Kenton, and that they will fully and fairly report the same to the County Courts of Boone and Kenton.

Approved February 23, 1846.

## CHAPTER 333.

AN ACT authorizing a settlement with the Board of Internal Improvement.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That H. I. Bodley, Thos. D. Tifford, and Thomas S. Page, be and they are hereby appointed Commissioners, during the year 1846, to audit and settle the accounts of the Board of Internal Improvement, from its organization up to the time of such settlement, and allow such evidences of payment as, in their opinion, would be just and proper. If pay-

ments have been made without authority of law, and not properly incident to the business transactions of the Board, or unreasonable and disproportionate allowances made for services rendered said Board, either by one of their own body or a third person, the same shall be reported, specifying the particular item, and to whom and when paid. They shall, also, report the gross sum of receipts and disbursements in each year separately, as well as the specified and classified items. They shall make a report of the settlement to the Governor, who shall communicate the same to the next General Assembly.

1846.

Approved February 23, 1846.

CHAPTER 335.

AN ACT for the relief of Emigrants to this State.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That if any emigrant to this State, since the passage of an act, entitled, an act to amend the law prohibiting the importation of slaves into this State, approved February 2, 1833, who may have failed to comply with the requisitions of said act, shall, within six months from the passage of this act, appear before some Justice of the Peace in the county where said emigrant may reside, and take the oath required by the first section of said act; and, in addition thereto, shall take the following oath or affirmation, to-wit: "I —, do solemnly swear, or affirm, that I emigrated to Kentucky with a view of becoming a citizen thereof, in good faith, and that I was wholly ignorant of any law of the State of Kentucky requiring emigrants to take an oath respecting the slaves brought with them into this State, and the omission, on my part, to take the oath required by that act, and within the time prescribed, was wholly the result of being ignorant of its existence, so help me God." And shall, moreover, within thirty days thereafter, cause said oaths, or affirmations, to be recorded in the County Court Clerk's office; then, and in that case, the said emigrant shall not be deemed to have incurred the penalties of the said act of 1833.

Approved February 23, 1846.

CHAPTER 351.

AN ACT to allow an additional week to the Ballard Circuit Court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, hereafter, the fall term of the Ballard Circuit Court shall commence on the first Monday in October, in each year, and may continue twelve juridical days, if the business require it.

Approved February 23, 1846.

1846.

## CHAPTER 354.

AN ACT to limit the elections in Calloway and Marshall counties to one day.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That, from and after the passage of this act, no election to be holden in the counties of Calloway and Marshall shall be continued more than one day, except at the request of one of the candidates, agreeable to the provisions of the constitution: and the Sheriffs and other officers, presiding at said elections, shall open the polls at nine o'clock in the morning, and keep them open until seven o'clock in the evening.

Approved February 23, 1846.

## CHAPTER 357.

AN ACT for the benefit of the several County Courts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That further time, until the first day of April, eighteen hundred and forty seven, be allowed the several County Courts to procure weights and measures, as required by law.

Approved February 23, 1846.

## CHAPTER 368.

AN ACT further to protect the rights of married women.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the slave or slaves of a married woman shall, hereafter, within this Commonwealth, be held and taken to be real estate, in so far that no slave or slaves, or the increase thereof, which any such married woman may have at the time of her marriage, or which may come, descend, or be devised or given to her during her coverture, shall be liable to the debts of her husband, or be attached, levied on, or sold, for his debts or liabilities of any sort or kind, whether such debts or liabilities accrued before or after marriage; nor shall the life estate of the husband, his wife living, be levied on, executed, or sold, for any such debts or liabilities: *Provided, however,* That the slave or slaves of any married woman, owned at the time of her marriage, or which may be acquired by her in any of the modes aforesaid, shall, in no case, be exempt from the payment of her debts and liabilities, created or arising before marriage, but that such slave or slaves shall, notwithstanding, remain liable to such debts or liabilities, by the appropriate remedy at law, or in chancery: *And, provided, further,* That the slave or slaves owned by any married woman prior to the marriage, or acquired by her in any of the modes aforesaid, after the marriage, shall be liable for all

Slaves of married women not liable for the husband's debts of any kind; nor shall his life estate in them, the wife living, be levied on.

Proviso.

Further proviso.

debts by her and her husband, contracted or created jointly, in writing, for necessities furnished her or any member of her family.

SEC. 2. *Be it further enacted*, That the husband and wife may dispose of the slave or slaves of the wife in the same way that they may, by deed, dispose of the lands of the wife, and with like limitations and restrictions, according to the existing laws; and on the death of the wife, such slave or slaves shall descend to her heirs at law as lands descend by the laws of this Commonwealth, subject to a life estate of the husband surviving, for his life and no longer.

SEC. 3. *Be it further enacted*, That the lands of no married woman within this Commonwealth, which she may have owned at the time of her marriage, or which may come, or be given, devised or descend to her during the marriage, shall be subject to the debts of the husband, or be levied on, attached or sold, or executed, for any of his debts, created or arising either before or after the marriage: *Provided*, nevertheless, That all such, the lands of the wife, shall be liable and subject to the debts and liabilities of the wife, contracted or created before the marriage; but in no case shall the curtesy, or life estate of the husband, be sold by process of law, except after the death of the wife, the husband surviving: *Provided*, That the husband and wife may sell and convey, or dispose of, the lands of the wife, by their deed acknowledged and authenticated, and recorded according to the existing laws: *And, provided, further*, That the lands of the wife shall be liable for all debts by her and her husband jointly, contracted or created, in writing, for necessities furnished her or any member of her family.

SEC. 4. *Be it further enacted*, That the estate and property of the husband shall not be subject to the payment of any contracts, liabilities, damages, or debts, incurred by the wife prior to marriage.

1846.

Husband and wife may dispose of her slaves as lands of the wife. On the death of wife, slaves descend to her heirs at law as lands, subject to a life estate in surviving husband.

Lands of the wife shall not be liable for debts of the husband.

Proviso.

Proviso.

Further proviso.

Estate of husband not liable for debts, &c. of wife contracted before marriage.

Approved February 23, 1846.

#### CHAPTER 371.

AN ACT to appropriate money to purchase books for the Penitentiary.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of fifty dollars, be and the same is hereby appropriated to purchase books for the moral cultivation and instruction of the prisoners in the Penitentiary; which sum is to be placed under the control of the Governor of this Commonwealth; and to be paid out of any money in the Treasury not otherwise appropriated.

Approved February 23, 1846.



1846.

## CHAPTER 377.

AN ACT to regulate the Spring Term of the Trimble Circuit Court.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Spring Term of the Trimble Circuit Court shall, hereafter, be holden on the third Monday in March, in every year, and continue six juridical days, if the business shall require it.

SEC. 2. That all recognizances taken, and process issued, returnable to the term of said court as it stood before the passage of this act, shall be valid and returnable to the term as fixed and regulated by this act.

Approved February 23, 1846.

## CHAPTER 383.

AN ACT regulating elections in Hardin, Laurel and Rockcastle counties.

Elections to be held but one day, unless a candidate request the polls kept open, &c.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the officers appointed to hold the elections, at the several precincts and places of voting in the counties of Hardin, Rockcastle and Laurel, to discontinue the elections on the first day, at the close of the polls in the evening, unless it shall be made their duty to continue them open in compliance with the request of one or more of the candidates, according to the provisions of the Constitution: *Provided*, that the polls, at the Court House, shall be continued open in the absence of any request to keep them open.

Approved February 23, 1846.

## CHAPTER 395.

AN ACT authorizing the Secretary of State to furnish Justices of the Peace with Morehead &amp; Brown's Digest.

Secretary of State to furnish Digest to Justices not furnished.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, from and after the passage of this act, it shall be the duty of the Secretary of State, and he is hereby authorized to furnish to all and every Justice of the Peace of this Commonwealth, Morehead and Brown's Digest of the Statutes of Kentucky, to whom the same has not been furnished.

Duty of County Courts.

SEC. 2. It shall be the duty of the several County Courts, when an additional Justice is made, or where it is made apparent to them that any Justice within their respective counties have not been furnished with said Digest, to make an order, in open Court, upon the Secretary of State for said Digest, to be furnished to the Clerk of their respective Courts for the benefit of said Justice; a copy of which order shall be certified by the Clerk and transmitted to the Secretary of State, who shall transmit the Digest, aforesaid, to such Clerk,

in the manner now prescribed by law for transmitting the public books; and this duty shall be performed by the State Carriers at the time the acts of assembly are distributed. 1846.

SEC. 3. That the Secretary shall not furnish books beyond the number now owned by the State, or provided by the General Assembly. Limitation.

Approved February 23, 1846.

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CHAPTER 398.

AN ACT to establish a Chancery Term of the Union Circuit Court, and to change the terms of the Boyle Circuit Court.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Judge of the seventh Judicial District shall hold a special term of the Union Circuit Court, on the fourth Monday in July, in each year; and said court shall continue in session twelve juridical days, if the business shall require it, for the preparation and trial of Criminal and Chancery Causes. Special Chancery term established in Union.

SEC. 2. That all process in Criminal and Chancery Causes, and all orders in Chancery, issued after the Spring Term of said Court, shall be returnable to the aforesaid Chancery Term, in the same manner and to the same effect as they are now returnable to the regular terms. Process returnable.

SEC. 3. That from and after the next Spring Term, the Boyle Circuit Court shall commence on the first Monday in May, and the second Monday in November, and may continue, at each term, twelve juridical days, if the business require it. Boyle Circuit Court.

Approved February 23, 1846.

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CHAPTER 401.

AN ACT to regulate the time of holding the County Court of Larue.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of an act, entitled, an act to change the time of holding the Larue County Court, and for other purposes, approved February 5, 1845, as conflicts with the time of holding the Circuit Court of said county, be and the same is hereby repealed; and, hereafter, no County Court shall be held in said county at the time of holding the Circuit Court.

Approved February 23, 1846.

1846.

## CHAPTER 402.

AN ACT requiring Clerks of County Courts to perform certain services.

County Courts  
to make cross  
indexes of  
deeds, mort-  
gages, &c.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the several Clerks of the County Courts of this Commonwealth, to cause to be made cross or double indexes to all the books in which deeds, mortgages, and other instruments of conveyances, shall hereafter be recorded in their respective offices. Any Clerk who shall fail to perform the duty herein required of him, shall be deemed guilty of a misdemeanor, and fined in any sum not less than one hundred dollars, nor more than two hundred dollars, upon the presentment of a grand jury in the county of which he is Clerk.

Approved February 23, 1846.

## CHAPTER 403.

AN ACT to incorporate the Licking River Navigation Company.

Preamble.

WHEREAS, the State has been compelled to abandon the works on Licking river: and, whereas, the improvement of the navigation of said river, by the completion of the Locks and Dams already commenced, and by the erection of others, will be, in the opinion of this body, of great public utility; and it being represented to the General Assembly of Kentucky, the work may be done by individual enterprise with but little aid from the Commonwealth: Now, to secure so important an object, the Legislature is willing to incorporate a company for that purpose. Therefore:

Company in-  
corporated.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company be and the same is hereby incorporated, to improve the navigation of Licking river, from the mouth of said river to West Liberty.

Capital stock.

SEC. 2. *Be it further enacted,* That the capital stock shall be seven hundred and fifty thousand dollars, to be divided into seven thousand five hundred shares of one hundred dollars each.

Corporate pow-  
ers.

SEC. 3. *Be it further enacted,* That said company shall be a body politic and corporate, by the name and style of the "Licking River Navigation Company," and by that name shall have perpetual succession, and all the privileges and franchises incident and belonging to a corporation; shall have a common seal; and shall be capable of taking and holding their said capital stock, and the increase and profits thereof; and of purchasing, taking, and holding, to them and their successors and assigns, and of selling, transferring, and conveying, in fee simple, all such lands, tenements, and hereditaments, as shall be necessary to them in the prosecution of their work; to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered, in Courts of record in this Commonwealth and elsewhere; shall have full power to

pass such by-laws, rules and regulations for the government, direction and control of the private affairs of the company as shall be deemed necessary, not being contrary to this act, or the constitution of Kentucky.

1846.

SEC. 4. *Be it further enacted*, That books, for the subscription of the capital stock of said company, shall be opened on or before the first day of May next, at the several places, and under the direction of the several Commissioners hereinafter named, to-wit: In the city of Covington, under the direction of Herman J. Groesbeck, George M. Southgate, and John W. Stevenson; in the town of Newport, under the direction of James Taylor, Jr., Samuel Winston, and John N. Taliaferro; in the town of Falmouth, under the direction of Samuel F. Swope, Samuel T. Hauser, and Richard Stowers; in the town of Cynthiana, under the direction of Wm. K. Wall, Thomas B. Woodyard, and Wm. A. Withers; in the town of Claysville, under the direction of N. R. Whitehead, S. B. Curran, and A. Rawlings; in the town of Carlisle, under the direction of Joseph F. Tureman, John S. Morgan, and John G. Parks; at the Lower Blue Licks, under the direction of Lewis P. Holliday, John Standiford, and Neal Ballengall; in the town of Paris, under the direction of Richard Hawes, Geo. W. Williams, and Ezekiel Thurston; in the town of Sharpsburg, under the direction of Wm. M. Sudduth, Moses Q. Ashby, and Sandford Allen; in the town of Owingsville, under the direction of Andrew Trumbo, James Sudduth, and J. W. Turner; in the town of Flemingsburg, under the direction of Dorsey K. Stockton, John A. Cavan, and Thomas Porter; in the town of Mountsterling, under the direction of Richard Apperson, Belvard J. Peters, and Thomas C. Barnes; in the town of West Liberty, under the direction of — Barnes, George Phillips, and William Henry, or a majority of said Commissioners, at each of the places above named.

Subscription books to be opened, when, where, and by whom.

SEC. 5. *Be it further enacted*, That the said Commissioners shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said book or books, viz: I promise to pay to the President and Directors of the Licking River Navigation Company, the sum of one hundred dollars per share for — share (or shares, as the case may be,) of the stock of said company, in such manner, in such proportion, and at such times as shall be required by the President and Directors of said company, and agreeably to an act of the General Assembly of Kentucky incorporating said company. Given under my hand and seal this — day of —, 18—. The said Commissioners, or a majority of them, shall give notice of the time and place of opening the books for the subscription of the stock of said company, and they are hereby authorized and directed to continue them open for the space of ninety days, unless the whole amount of the capital stock shall be sooner subscribed: *Provided, however*, that nothing in this act shall be construed

Covenant of subscribers.

Notice to be given.

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President and  
Directors to be  
elected, and  
officers appointed.

to prevent said books for subscription from being opened at any time until the whole stock shall be subscribed.

SEC. 6. *Be it further enacted*, That as soon as the sum of one hundred thousand dollars of the capital stock shall be subscribed, the Commissioners aforesaid, for the city of Covington and town of Newport, shall, at such time and place as they may designate, call a meeting of the stockholders, and shall hold an election for President and ten Directors, who shall hold their offices until the first day of January next ensuing said election, and until their successors are elected and qualified; and the President and Directors, before entering upon the duties of their appointment, shall, before some Justice of the Peace, take an oath that they will faithfully discharge the duties of their respective offices, without favor or affection, according to the best of their judgment; that upon the qualification of the President and Directors, they shall appoint a Treasurer, and such other officers as they shall deem necessary, who shall hold their offices one year, and until others are appointed. The Treasurer shall, before entering upon the duties of his office, execute bond with security, to the President and Directors, in such penalty as they shall direct, conditioned for the faithful discharge of the duties of said office.

Payments of  
stock.

SEC. 7. *Be it further enacted*, That the President and Directors shall have power to call in the stock subscribed, first giving twenty days' notice in one of the papers published in Covington and Lexington, of the time of payment and the amount thereof: *Provided, however*, that no call shall be made for more than ten per centum on the share, nor shall they be oftener made than once in every sixty days. And if any stockholder or stockholders shall neglect or refuse to pay his proportion of the stock as called, for the space of thirty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the stock so called, pay at the rate of one per cent. per month for every delay of such payment; and if he shall delay to pay the amount of such call, and the penalty aforesaid, for the space of six months, after the time said payment is required, he or they shall forfeit said share or shares to the corporation, and the amount that shall have been paid thereon; and said shares shall be, thereafter, (first being advertised for three weeks,) sold to the highest bidder, provided they will bring the balance unpaid on them at the time of said forfeiture; or instead of forfeiting said shares, as hereinbefore mentioned, the President and Directors may institute suit in any Court of competent jurisdiction, in the name of the corporation, to recover the sum or sums due and unpaid.

How stockhold-  
ers may vote.

SEC. 8. *Be it further enacted*, That in the election of the officers of said company, or in voting upon any question or matter in which the stockholders may be required to vote, they shall be entitled to one vote for each share under eleven; one vote for every two shares over ten and under fifty; one

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vote for every five shares over fifty: *Provided, however*, that no stockholder shall be entitled to vote at any election for officers, or be entitled to any of the privileges and immunities of a stockholder, while any call made by the President and Directors upon the share or shares held by him is due and unpaid.

SEC. 9. *Be it further enacted*, That the stockholders may vote in person or by proxy, and none but a stockholder shall be eligible as President, Director, or Treasurer, or to any other office in said company, the duties of which appertain to the management of the pecuniary affairs of the company; and the President and Directors, and other officers, as aforesaid, shall cease to be such, on his or their ceasing to be stockholders. The annual election for a President and Directors shall be on the first day of January in each year, after the organization as provided in the 6th section of this act, and shall hold their offices one year, and until their successors are elected and qualified; and the elections shall be held at such places as the President and Directors may appoint; and at each general election, as aforesaid, it shall be the duty of the President and Directors to lay before the stockholders a just and full expose of the situation of the company, and also a record of their proceedings for the past year, a copy of which expose and record they shall transmit to the Legislature of Kentucky, on or before the tenth day of January aforesaid.

None but stockholders to be eligible to office.

Annual election & report.

SEC. 10. *Be it further enacted*, That the President and Directors shall deliver to each stockholder a certificate, signed by the President and countersigned by the Treasurer, and sealed with the seal of the corporation, of each share of stock subscribed and held by such stockholder, which certificate shall be transferred on the books of said corporation, in person, or by attorney, but no share shall be transferred until all the calls and arrearages are paid thereon; the original certificate of the share or shares subscribed and transferred shall be surrendered, and a new certificate shall issue to the purchaser or assignee, who shall be a member of said company, and entitled to all the benefits and privileges the original owner was entitled to.

Certificates of stock.

SEC. 11. *Be it further enacted*, That the President may call a meeting of the Directors at such time and place as he may think proper. A majority of all the Directors, including the President, shall be necessary for the transaction of business. They shall keep a record of their proceedings, to be entered in a book provided for that purpose, and the proceedings of the Board shall be signed by the President: and in case of the absence of the President, the Directors shall elect a President, *pro tempore*; and they may adjourn, from time to time, as they may think proper.

Business regulations.

SEC. 12. *Be it further enacted*, That the President and Directors shall employ such engineers, artists, laborers, &c., as may be by them deemed necessary, for the successful prose-

Further powers specified.

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cution of work, allowing to the persons so employed such reasonable compensation as may be agreed upon between said President and Directors, and said persons so employed. The said President and Directors may make contracts, and do all things necessary for carrying said work into immediate operation; and require and take bond, in their corporate name, from any person or persons they may contract with. And in case of the death or resignation of the President and Directors, or any or either of them, or a vacancy from any other cause, in said Board, the remaining members may elect a stockholder or stockholders to supply the place or places in said Board, so vacated, for the unexpired term of his or their predecessor or predecessors.

May have  
land, &c. con-  
demned.

SEC. 13. *Be it further enacted*, That the said President and Directors, or their agents, shall be, and they are hereby, authorized to contract with the owners of lands and tenements which may be necessary for the erection of Toll-houses, Locks and Dams, &c., and such earth, stone, wood, gravel, and other materials necessary in and about the said company works; but, in case no contract or agreement can be made with the owners of such lands, tenements, &c., the said company may proceed to have the land, materials, &c., condemned, under the provisions of an act, entitled, "an act to provide for condemning lands and materials for the construction of turnpike roads and other works of Internal Improvement," approved February 22d, 1836: and, "an act which provides for condemning lands and materials for works of Internal Improvement," approved February 23d, 1837; and the further act, entitled, "an act authorizing the condemnation of land for toll-houses," approved February 23, 1839.

May collect  
tolls, &c.

SEC. 14. *Be it further enacted*, That when the whole, or any part of said contemplated works shall be completed, suitable to the passage of vessels, boats, or other craft, drawing sixteen inches, in low stages of the water, the President and Directors, by themselves or their agents, shall have power and authority to demand and receive, from the owner or owners, masters or supercargoes, of all vessels, boats, or other crafts, ascending or descending said river, at each Lock, before such vessel, boat, or other craft, shall be permitted to pass the same, such rates of toll as shall be determined upon by said President and Directors, subject to the restrictions and regulations hereinafter named, which rates of toll shall be posted up in some conspicuous place at each Lock, and no other or greater toll shall be demanded than those thus posted: *Provided, however*, That said rates of toll shall be determined and declared at the annual meeting of the Board, and not oftener, unless the same shall be done under the direction of the Legislature of Kentucky, as hereinafter provided.

Penalties for  
refusing to pay  
tolls, &c.

SEC. 15. *Be it further enacted*, That if any person or persons, liable to pay toll, as aforesaid, at any or either of the Locks erected in pursuance of the aforesaid provisions, shall,

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with the intent to defraud said company, pass any such Lock, making use of the same to facilitate their passage, with or without the knowledge of the agent, toll gatherer, or gate keeper, or shall practice any fraudulent device, with intent to lessen or evade the payment of any such toll, such person or persons, so offending, shall, for every such offence, respectively, forfeit and pay to the said President and Directors the sum of fifty dollars, recoverable in like manner as other debts of equal amount, in the name of said President and Directors. And if any person or persons shall wilfully do any act or thing, whereby said work, or any lock, dam, gate, slope, or other appurtenance thereto, shall be injured or impeded, or shall commit any wilful trespass, or take and carry away, and conceal any material, instrument, tool, or other thing of value belonging to, or used in and about said works, he, she, or they, so offending, shall forfeit and pay to said company double the value of the thing taken, or the cost or damage sustained by means of such wilful act of trespass, to be recovered as aforesaid; and in case of feloniously and clandestinely taking and carrying away any material, instrument, tool, or other valuable thing, as aforesaid, belonging to said company, he, she, or they, so offending, shall be liable to prosecution for felony, as under the existing laws.

SEC. 16. *Be it further enacted*, That the President and Directors of said company shall take bonds, with good security, from the gate keepers, lock tenders, or other persons employed by them, for the faithful discharge of the duties assigned to them, respectively, which bonds they may cause to be renewed whenever they may deem it necessary; and said bonds shall be made payable to the President and Directors of said company, aforesaid.

Bonds of Lock  
Keepers, &c.

SEC. 17. *Be it further enacted*, That the President and Directors shall keep, or cause to be kept, a fair and just account of all money which shall be received by them, from the subscribers of the stock in said company, and of all moneys by them expended in the prosecution of said work, and all costs, charges, and expenses, of clearing away trees, removing drift wood, and other obstructions, and of erecting any and every work, dam, lock, gate, or other building or appurtenance, and of keeping the same in repair; and of all moneys by them received in the way of tolls, rents, or duties of any and all kinds whatsoever, and on the first day of January, in each year, after the said work is, in whole or in part, completed, and shall have the same made up and the balance of profits struck and divided among the stockholders; and if it shall appear from the report so made, as aforesaid, under the oaths of the President and Directors, that the profits so divided, or to be then divided, do not net the amount of ten per cent. per annum on the capital expended, the President and Directors shall be authorized to add to the tolls for the succeeding year, until the net profits, after deducting for all expenses, repairs, and necessary im-

Account to be  
kept of receipts  
and disburse-  
ments, and re-  
port made, and  
if dividend ex-  
ceed ten per  
cent. Legisla-  
ture may re-  
duce tolls.



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People of counties on Licking river may vote whether County Courts may subscribe for stock, and levy for payment of same.

provements, shall amount to the sum of ten per cent. per annum. But should it appear from the aforesaid report, that the net profits exceed ten per centum per annum, the Legislature reserves the right to reduce the rates of toll, so that the net profits shall not exceed ten per centum, as aforesaid.

SEC. 18. *Be it further enacted*, That the counties bordering upon Licking river, by their County Courts, a majority of all the Justices of said Courts concurring, be and they are hereby authorized to subscribe for stock in said company, to any amount not exceeding ten thousand dollars each; the sum subscribed to be raised by an ad valorem levy, to be made upon the assessors' list in said county, by the County Courts thereof—the sum or sums subscribed to be payable in three equal annual instalments: *Provided, however*, that before the County Courts, or either of them, shall be authorized to subscribe for the stock, or make the levy aforesaid, the said Court or Courts shall direct a poll to be opened at the annual election, at the various places of voting in said county or counties, with a view to ascertain the sense of the legal voters of said county or counties, as to the propriety of said subscription and levy; and if a majority of the legal voters of said county or counties shall declare in favor of a subscription and levy, it shall be the duty of said Court or Courts, at their first meeting after said declaration of the sense of the people, to make said subscription and levy; a copy of which shall be furnished the Sheriff, who shall proceed to collect the same, under the same rules and regulations as govern and direct him in the collection of the revenue.

Governor make conveyance so soon as 1000 shares are subscribed, &c.

SEC. 19. *Be it further enacted*, That the work done, the stone, timber, gravel, and other materials collected, the quarries cleaned, and the lock sites purchased, be and the same are assigned to the Licking River Navigation Company, and the Governor is hereby authorized to convey them to said Company: *Provided, however*, that said conveyance and grant shall not be consummated, until it shall satisfactorily appear to the Governor, that one thousand shares of the capital stock of said Company has been subscribed in good faith: *And provided, moreover*, that when said conveyance is made, the company, shall not be required to declare a dividend thereon, but the same shall be taken as a donation by the State to said company.

State reserves the right to take back the works, &c.

SEC. 20. *Be it further enacted*, That the Commonwealth shall have, and now reserves the right to herself, at any time after the expiration of the term of fifteen years after the passage of this act, to buy out the stock of said company, from the stockholders, upon the payment of the amount of said stock, with interest at the rate of six per centum per annum, less the dividends yearly declared and paid by the company, computing said interest from the time said stock shall be paid to the Treasurer: *Provided, however*, that in the purchase of the stock by the State, the State shall only be required to re-

pay to the company the amount of money actually expended by the company, with six per cent. interest, less the dividends aforesaid.

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SEC. 21. That said Licking River Navigation Company be and they are hereby required to commence the works upon said river, within two years from the passage of this act, and complete the same to the town of Falmouth within four years, and to the mouth of Fleming creek in eight years, under the penalty of a forfeiture of their charter, and all the rights and privileges by this act granted.

Works to be commenced in two years, and finished to Falmouth in four years, &c., or charter forfeited.

SEC. 22. That whenever the stock of said company shall pay a dividend of seven per cent. the State reserves the right to tax the passengers on said river not exceeding one cent per mile, per head, and one cent per ton for freight.

When dividends reach 7 per cent. State may tax passengers, &c.

SEC. 23. That if any sum be found due by the State to the Contractors on the Licking river improvement, for work heretofore done, and which work is, by this act ceded to the company, the said sum shall be paid by the company.

Company to pay state debts for works ceded.

SEC. 24. *Be it further enacted*, That if fifty thousand dollars of the capital stock are not subscribed before the 10th day of January, 1847, the State reserves the right to declare, by act of the General Assembly, a forfeiture of the charter and all the privileges hereby granted.

Conditional forfeiture of charter.

Approved February 23, 1846.

#### CHAPTER 408.

AN ACT to change the August term of the Hickman County Court, and the time of holding the County Court of Breathitt.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, hereafter, the August term of the Hickman County Court shall commence on the Thursday succeeding the first Monday in August.

Hickman.

SEC. 2. That, hereafter, the County Court of Breathitt shall be held on the third Monday in each month, according to law.

Breathitt.

Approved February 23, 1846.

#### CHAPTER 416.

AN ACT to amend the laws of Civil and Chancery Proceedings.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in any action or suit, instituted by or against any executor or administrator, it shall be lawful for the heirs, devisees, or distributees, or any of them, or the husband of any such heir, devisee, or distributee, to appear in court where such action or suit is pending, and to make oath before such court, that he or she believes that said executor or administrator is either prosecuting or defending such suit in

Heirs, devisees and distributees making oath that adm'r or ex'r is prosecuting or defending suit in bad faith, permitted to prosecute or defend.

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bad faith and to the prejudice of the estate represented by the executor or administrator, and, thereupon, to move said court to permit him or her, by counsel, or in person, to appear and prosecute or defend such action or suit.

And may file  
any legal pleas.

SEC. 2. Upon such affidavit being made, it shall be the duty of such court to permit the person taking the oath prescribed in the foregoing section, by his or her counsel, to appear and file any plea or pleas which may be legal, and to aid in the prosecution or defence of such suit.

Affidavit of  
one of several  
persons part-  
ners compl't or  
def't valid as  
the affidavit of  
all.

SEC. 3. Whenever an affidavit may be required from any party or parties to any suit pending in any of the courts of this Commonwealth, where the party or parties complainant, or plaintiff or defendant, consist of more than one person, it shall be lawful for any one of the parties complainant, plaintiff or defendant, to make such affidavit, which shall be as good and valid to all intents and purposes as if made by all the persons constituting the party or parties complainant, plaintiff or defendant.

Approved February 23, 1846.

#### CHAPTER 417.

AN ACT to amend the penal laws.

Free negroes  
not to manu-  
facture spirits.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, as follows:* From and after the first day of August next, it shall not be lawful for any free negro or mulatto to be engaged in the manufacture of any whiskey, brandy, or other spiritous liquors: *Provided, however,* That the provisions herein shall not apply to any free negro or mulatto laboring as a hireling for any white free person.

Or sell spir-  
its.

SEC. 2. From and after the date aforesaid, it shall not be lawful for any free negro or mulatto to sell in any quantity, to any person, any whiskey, brandy, or other spiritous liquors.

Punishment  
for so doing.

SEC. 3. Any free negro or mulatto violating any of the provisions of the foregoing two sections of this act, shall be liable to indictment by a grand jury of the county in which the offence may be committed, and fined in any sum not less than fifty dollars, nor more than three hundred dollars, and stand committed until the fine and costs are paid; one half of which fine, when collected, shall belong to the Commonwealth, and the other half to the attorney conducting the prosecution.

Duty of Jus-  
tices in a vi-  
olation of this  
act.

SEC. 4. It shall be the duty of every Justice of the Peace within this Commonwealth, upon complaint made to him, that any free negro or mulatto has violated either of the foregoing provisions of this act, in the county of such Justice, to issue his warrant, directed to the Sheriff or any Constable of such county, and cause the free negro or mulatto suspected, to be brought before him; and if, upon investigation, it shall appear to such Justice, that the defendant is guilty; it shall be the duty of the Justice to require bail in any sum not less than

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one hundred dollars and not more than six hundred dollars, for the appearance of such defendant at the next Circuit Court to be held for the county; and, upon failure to give bail, the defendant shall be committed to the jail of the county, there to remain until discharged by due course of law.

SEC. 5. The act, entitled, "an act to prevent the future migration of free negroes and mulattoes to this State," approved February 23d, 1808, is hereby repealed.

SEC. 6. From and after the passage of this act, it shall not be lawful for any free negro or mulatto to migrate or be brought into this State from any Territory or State within the United States or elsewhere; and if any free negro or mulatto shall migrate or be transported, or be brought into this State, and remain herein for the term of thirty days, in contravention of this act, he or she or they shall be liable to arrestation, and to be proceeded against in the following manner, to-wit: any citizen of this Commonwealth, having knowledge that any such free negro or mulatto is within any county of this State, contrary to this act, shall or may arrest the said free negro or mulatto, and bring him or her before some Justice of the Peace of his county, to be dealt with according to law; or he may apply to a Justice of the Peace for said county, who, upon information of the same, is required to issue his warrant to cause the said free negro or mulatto to be brought before him or some other Justice of said county, to be dealt with agreeably to law, directed to the Sheriff or some Constable of his county, or any person whom the said Justice may choose to designate; whose duty it shall be to execute the said warrant, and bring the said free negro or mulatto before the said Justice, or some other of said county.

Free negroes shall not migrate to this State, and the penalty.

SEC. 7. It shall be the duty of the Justice of the Peace before whom any free negro or mulatto, as aforesaid, shall be brought, as aforesaid, to cause a jury of house-keepers to be empannelled; and if upon examination of the evidence which may be introduced, the said jury shall find that such free negro or mulatto has migrated or been transported or brought into this State and continued herein in contravention of this act, it shall be the duty of the said Justice to require the said free negro or mulatto to enter into a recognizance, with one or more good securities, in the sum of five hundred dollars, payable to the Commonwealth, conditioned for the payment of the costs of said prosecution, and that said free negro or mulatto will depart and remove without the limits of this State, within ninety days from the date of said recognizance, and never more return within the limits of the same; and upon failure to give such recognizance, the said Justice shall make an order, to be executed by the Sheriff or any Constable of the county, for the immediate sale of the said free negro or mulatto, as aforesaid, to the highest bidder, for and during the term of one year; and the Sheriff or Constable shall proceed to sell the said free negro or mulatto, as aforesaid, to the highest bid-

Course to be pursued when they come into the State.

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der, at one years' credit, taking bond and security from the purchaser, payable to the Commonwealth, and to have the force and effect of a replevin bond; and upon which an execution may issue if not paid at maturity; and all moneys, so received, shall be one third for the person prosecuting, the other two thirds, deducting expenses of prosecution, in aid of the jury fund, to be collected by the Trustee of the jury fund of the county in which the prosecution is had.

Penalty on  
officer for fail-  
ure of duty.

SEC. 8. It shall be the duty of the officer taking bond for the hire of such free negro or mulatto, to return the same to the Clerk's office of the Circuit Court of the county within ten days from the time of taking the same. And, upon failure, shall be liable to pay a fine of twenty five dollars, recoverable by presentment or indictment in the Circuit Court, or by warrant for debt before any Justice of the Peace of the same county, to be applied as other fines are by law.

Same pro-  
ceedings may  
be repeated.

SEC. 9. The same proceedings may be had against any such free negro or mulatto, as often as he, she, or they, shall be found within any county of this State, after the time assigned for his or her departure out of this State.

Limitation.

SEC. 10. Any action or prosecution which shall be brought for a violation of any of the provisions of this act, may be commenced at any time within five years from the commission of the offence, or the accrual of the cause of action, and not after.

SEC. 11. *Be it further enacted*, That no free negro shall, at any time, under the penalties of this act, give to any slave any spiritous liquors whatever.

Approved February 24, 1846.

#### CHAPTER 418.

AN ACT for the appropriation of money.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the following sums of money, not otherwise appropriated, be paid out of the Public Treasury, to the several persons named and entitled to the same, viz:

1. To the Speakers of the Senate and House of Representatives, six dollars per day, each, during the present session.

2. To the Clerks of the Senate and House of Representatives, ten dollars per day, each, during the present session.

3. To the Sergeants-at-Arms of the Senate and House of Representatives, twenty eight dollars per week, each, during the present session.

4. To the Doorkeepers of the Senate and House of Representatives, twenty eight dollars per week, each, during the present session.

5. To the Clerks of the Senate and House of Representatives, sixty dollars, each, for their services after the close of

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the session, in preparing the acts for publication, and arranging the books and papers for safe keeping.

6. To the Assistant Clerks of the Senate and House of Representatives, seven dollars per day, each, during the present session.

7. To Joseph Gray, one dollar and twenty five cents per day, for the services of his son, James Gray, as Assistant Sergeant-at-Arms of the House of Representatives.

8. To the Second Auditor, the sum of four hundred dollars, to procure an additional Clerk to aid him in the discharge of his duties, to be paid quarterly.

9. To John J. Vest, for sundry repairs made to the Capitol, for benches, &c., as per bill rendered, forty two dollars eighty seven and a half cents.

10. To Austin P. Cox, for making a settlement with H. Blanton, Agent of the Old Bank of Kentucky, forty dollars.

11. To Tho. B. Stevenson, for timber and plank furnished for buildings on the Public Square, as per account, one hundred and eight dollars thirty cents.

12. To A. C. George, for bill of furniture for government house and blinds for Representative Chamber, as per bill rendered, sixty six dollars.

13. To Tho. Conn, for his expenses incurred under the order of the Board of Internal Improvement, as per account rendered, fifty seven dollars fifty cents.

14. To Joseph Gale, for three hundred bushels of coal furnished the State, as per account rendered, fifty one dollars.

15. To Richard Long, for extra services as Clerk in the Register's Office, one hundred dollars.

16. To Sarah Watson, for sundry repairs done to the Senate and House of Representatives, as per bill rendered, two hundred and twenty five dollars forty cents.

17. To Warren & Aldridge, for stationery furnished the Legislature, as per accounts, two hundred and eighty three dollars seventy five cents.

18. To William M. Todd, for same, as per accounts, two hundred and seventy one dollars fifteen cents.

19. To G. S. & L. M. Bacon, for crape furnished the House of Representatives, four dollars sixty three cents.

20. To O. & J. Belt, for same, five dollars seventy five cents.

21. To M. Barstow, for same, four dollars thirty seven and a half cents.

22. To James Lampton, Deputy Sergeant-at-Arms, for ten days services in executing process in Carter county in the prosecution against Geo. W. Kouns, forty dollars.

23. To Parker & Stout, as per bill rendered, for materials furnished the Senate, House of Representatives, Court of Appeals Room, and Government House, fifteen hundred and ten dollars seventy five cents.

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24. To E. H. Tole, as per account, for repairs done to the Representative Chamber, forty six dollars sixty two and a half cents.

25. To A. Conery, for repairing clocks in the Senate and House of Representatives, six dollars.

26. To Geo. W. Gwin & Co., as per account, for locks, bolts, &c., for the Senate Chamber, twenty dollars sixty three cents.

27. To John L. Moore, as per accounts for worsted marine and crape, ten dollars fifty cents.

28. To Lindsey & Moffett, for correction in account of last year, ten dollars.

29. To A. C. Keenon, the amount of his bill for binding, stitching and folding reports, &c., for the present Legislature, one hundred and forty dollars twenty five cents.

30. To J. S. Withrow & Co., as per accounts, for crape, &c., seventeen dollars.

31. To Gray & George, for articles furnished the Legislature, three dollars fifty cents.

32. To W. F. Leathers, Deputy Sergeant-at-Arms, for eight days services in serving process in the county of Greenup in the prosecution against Geo. W. Kouns, thirty two dollars.

33. To R. S. Holton, as per accounts, for candles furnished the House of Representatives, and tubs, &c., for the Senate, thirty seven dollars forty two cents.

34. To the Kentucky Penitentiary, for chairs furnished the House of Representatives, three dollars seventy five cents.

35. To Geo. W. Walston, for spittoons furnished the Senate and House of Representatives, eight dollars seventy five cents.

36. To J. & B. C. Baker, as per accounts, for crape and sundry articles for the Senate, twenty two dollars fifty cents.

37. To B. B. Johnson, as per accounts for tubs, &c., for the Senate, one dollar sixty three cents.

38. To J. S. Withrow & Co., for one looking glass for the Senate anti-chamber, two dollars twenty five cents.

39. To Pierson & Meriwether, for candles furnished the Senate, twenty nine dollars seventy cents.

40. To John D. McClure, Sergeant-at-Arms to the Senate, for serving process on witnesses to attend the committee on Public Printing, nineteen dollars fifty cents.

41. To J. H. Holeman, Deputy Sergeant-at-Arms, for three days services in the same, twelve dollars.

42. To Parker & Stout, for crape furnished the Senate, one dollar eighty eight cents.

43. To W. F. Evans, N. E. Gray, B. M. Crenshaw, W. G. Hughes, J. M. Breeden, J. G. Balee, J. G. Anthony, W. C. Whitsett, and W. B. Mason, for expenses incurred as the joint committee to examine the Lunatic and Deaf and Dumb Asylums, eighteen dollars each.

44. To the Publishers of the Commonwealth and Yeoman, for their daily paper furnished the General Assembly, one hundred and fifty dollars each.

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45. To Geo. B. Adams, as Agent of the Board of Internal Improvement in settling claims for damages on the Green and Barren river navigation, fifteen dollars.

46. To B. F. Johnson & Co., for crape, one dollar forty cents.

47. To M. Key, F. Peyton, F. T. Fox, J. Speed Smith, J. W. Fennell, J. W. Stevenson, and Milford Elliott, twenty-seven dollars fifty four cents, each, and to John L. Helm, twenty dollars, and to R. C. Bowling twenty one dollars, and D. R. Haggard ten dollars, for their expenses incurred as members of the Bank committee.

48. To the Baptist Church in Frankfort, for the use of their bell during the present session, ten dollars.

49. To Tho. D. Tilford, for his services as Clerk to the joint committee on Public Printing, twenty five dollars.

50. To Milford Elliott, one of the committee of arrangements for the funeral of Milton Mills, deceased, to defray expenses, one hundred and sixty one dollars twenty cents.

51. To Joseph Gray, to be divided equally between Henry, a servant of the Senate, and Alexander, a servant of the House, for extra services, twenty dollars.

52. To James Stonestreet, for making an index to the Senate Journal, one hundred dollars.

53. To A. G. Hodges, for making an index to the Journal of the House of Representatives, one hundred dollars.

53. To the Lunatic Asylum, for the support of that institution, twelve thousand five hundred dollars, to be paid quarterly in advance.

54. To Doorkeepers of the Senate and House of Representatives, for making fires, &c., during the present session, forty five dollars each.

55. To R. E. Glenn, for postage paid by him, as Chairman of the committee on Public Printing, seventy five cents.

56. To O. G. Oates, for preparing a digest of the revenue laws, by order of the Legislature, three hundred dollars.

57. To Col. John Miller, seven hundred and eighty eight dollars eleven cents, money advanced by him to the Commonwealth to defray the expenses of troops ordered by the Governor to Clay county in September last, to maintain the supremacy of the laws.

58. To Peter Dudley, thirty three dollars and forty three cents, his personal expenses incurred in September last when ordered to Clay county by the Governor.

59. To Col. John Miller, eighteen hundred and seventy three dollars eighty one cents, to be by him distributed to the officers and privates, each according to his portion, engaged in the expedition to Clay county, ordered by the Governor in September last, to maintain the supremacy of the laws.

60. To the Commissioners of the Cumberland Hospital, fifteen hundred dollars.



1846.

61. To John Swiggle, for seventy cords of wood furnished the State, one hundred and twenty two dollars twenty five cents.

SEC. 2. *Be it further enacted*, That the Keeper of the Public Buildings cause to be erected privy buildings, on the back of the public square on the stone foundation already laid, and the Second Auditor is hereby directed to settle for the same upon the presentation of the accounts, approved by the Governor, and issue his warrant for the same.

62. To Henry Shanks, for his services eighty days as a Commissioner on the Green and Barren River Navigation, one hundred and eighty dollars.

63. To Warren and Aldridge, for stationery furnished, as per additional bill furnished, eighteen dollars and twenty five cents.

64. *Be it further enacted*, That the Treasurer be authorized to employ a Clerk, to aid him in the duties of his office, and the sum of two hundred dollars is hereby allowed him for the compensation of such Clerk.

65. *Be it further enacted*, That James Davidson, Thomas S. Page, and Harry I. Bodley, be and are hereby appointed Commissioners to make contracts for the necessary improvements on the Public Offices, as contemplated by the report of the committee on Public Offices; and particular attention is required, so as to insure the same to be made fire proof, by covering the same with tin, and making copper gutters in the cornice: and before any contract is entered into, the plans and contracts shall be presented to, and approved by the Governor, in writing. That the sum of \$3000 shall be and is hereby appropriated for the purposes aforesaid, which shall be payable out of the Treasury, upon the warrant of the Second Auditor, after the Governor is satisfied of the correctness of the same, and approved by him.

66. *Be it further enacted*, That the Judge of the 10th Judicial District is hereby authorized to hear the proof touching the death of two horses, represented to have died in the service of the State, on the Manchester expedition; one the property of George W. Fox, the other the property of Francis Roberts; and, upon being satisfied by the proof, that both or either of said horses died in the service of the State, and that their death, or either of them, was produced by reason of their use in the service of the State, the Judge shall certify to the Second Auditor of Public Accounts, his opinion, together with the actual value, exclusive of cost, of the horse or horses; and, thereupon, it shall be the duty of the Second Auditor to issue his warrant on the Treasurer for the sum or sums allowed to the person entitled to the same, as appears from the decision of said Judge. It shall be the duty of the Commonwealth's Attorney to attend the examination of the proof and represent the interest of the Commonwealth.

Approved February 24, 1846.

CHAPTER 419.

1846.

AN ACT regulating the terms of the Circuit Courts in the first and fourth Judicial Districts, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky* That, from and after the passage of this act, the Bracken Circuit Court shall commence on the third Mondays in March and September, and continue six juridical days, if the business shall require it. The Pendleton Circuit Court shall commence on the fourth Mondays in March and September, and continue six juridical days, if the business shall require it. The Campbell Circuit Court shall commence on the first Mondays in April and October, and continue six juridical days, if the business shall require it. The Greenup Circuit Court shall commence on the fourth Mondays in April and October, and continue six juridical days, if the business require it. The Lewis Circuit Court shall commence the third Mondays in April and October, and continue six juridical days, if the business require it. The Harrison Circuit Court shall commence on the second Mondays in March and September, and continue twelve juridical days, if the business require it. The Fayette Circuit Court, shall commence on the fourth Mondays in March and September, and continue eighteen juridical days, if the business require it. The Scott Circuit Court shall commence on the first Mondays in May and November, and continue twelve juridical days, if the business require it. That the Kenton Circuit Court shall, hereafter, commence on the fourth Mondays of April and October, and continue twelve juridical days, if the business shall require it.

SEC. 2. That all process and recognizances made returnable to the terms of the several Circuit Courts mentioned in the first section of this act, shall be returnable to the terms of said courts, as provided for in said section, and shall have the same force and effect as though this act had not passed.

Process, &c.  
returnable to  
the courts as  
changed,

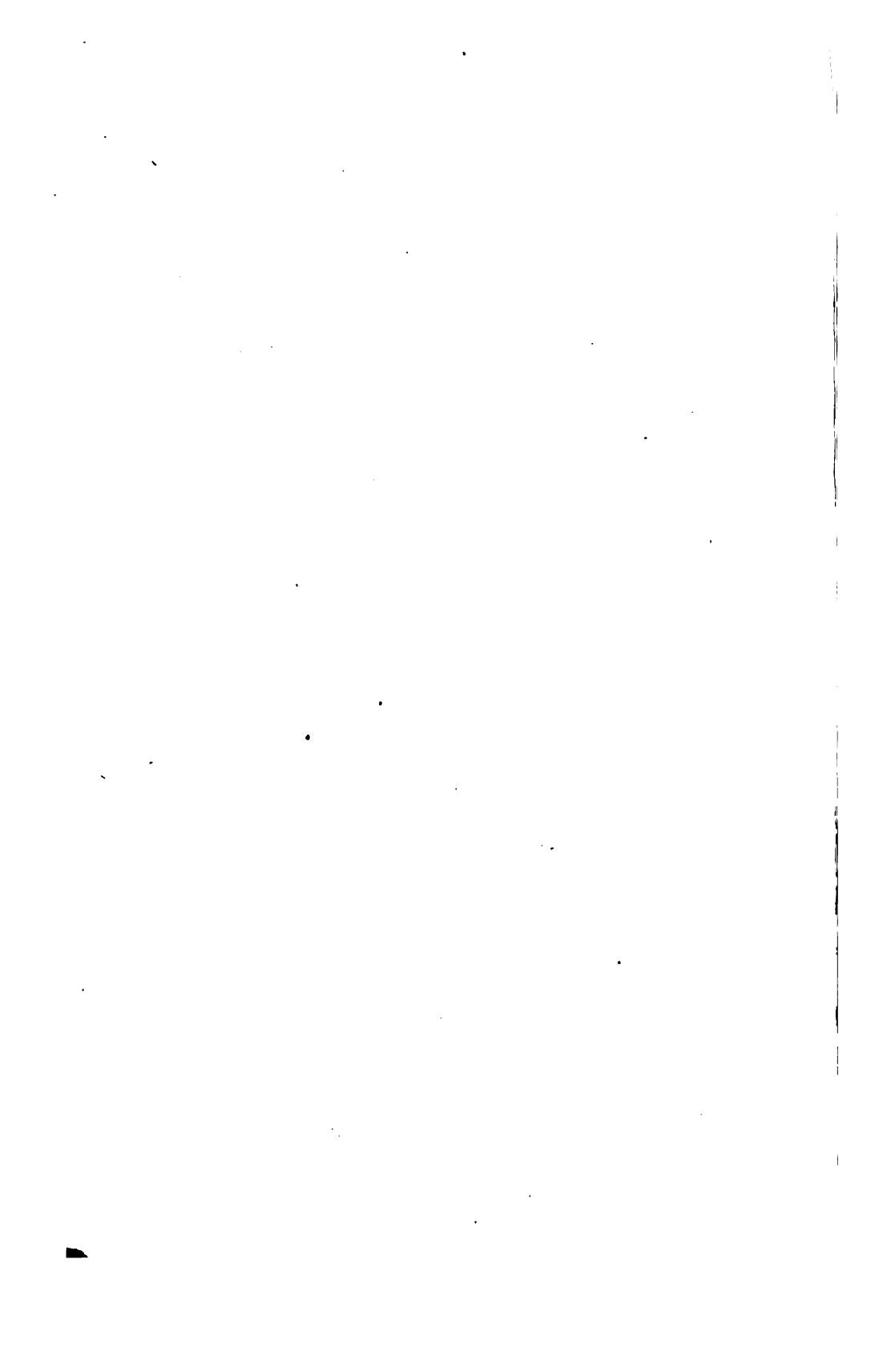
SEC. 3. *Be it further enacted.* That the County Court of Greenup county shall, after the passage of this act, be held on the first Monday in April and October, instead of the first Monday in May and November, as now required by law.

Greenup coun-  
ty court.

SEC. 4. *Be it further enacted,* That the Judge of the second judicial district have one year from the passage of this act to move into said district.

Time given  
to the Judge of  
the 2d district  
to move into  
the same.

Approved February 24, 1846.



# LAWS OF KENTUCKY.

PASSED AT DECEMBER SESSION, 1846.

WM. OWSLEY, GOVERNOR; ARCHIBALD DIXON, LIEUT. GOVERNOR  
AND SPEAKER OF THE SENATE; J. R. UNDERWOOD, SPEAKER  
OF THE HOUSE OF REPRESENTATIVES; BEN. HARDIN, SECRETARY  
OF STATE.

## LOCAL AND PRIVATE LAWS.

### CHAPTER 1.

AN ACT for the benefit of E. Stout, and others.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for Enoch Stout, John V. Higgins, George B. Didlake, Elias R. Dearing, and Peter D. Talbut, on the calling of the case of the Commonwealth against them, in the Louisville City Court, at the term subsequent to this act, or the term succeeding that, if it cannot be done at the first term, in open court to elect to be tried in the Jefferson Circuit Court; and that, upon such election so made, it shall be the duty of the Clerk of the Louisville City Court, to transmit to the Clerk of the Jefferson Circuit Court, the indictment and papers in the said case.

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SEC. 2. That upon the transmission of the indictment and papers to the Circuit Court, it shall be the duty of the Clerk thereof to place the case on his criminal docket; and it shall be lawful for the said court to have the same jurisdiction, to hear and determine the said case, and to award the same process and execution before and after trial, as the said Louisville City Court would have, or would or could do, if the said case was heard and determined in the said Louisville City Court: *Provided, however,* that any judgment or fine assessed therein shall go and be appropriated as if the said case was heard and determined in the said Louisville City Court.

J. R. UNDERWOOD,

*Speaker of the House of Representatives.*

ARCH'D DIXON,

*Speaker of the Senate.*

Approved January 7, 1846.

WM. OWSLEY.

By the Governor:

BEN. HARDIN. *Secretary of State.*

1846.

## CHAPTER 2.

AN ACT to extend the Constable's District including the town of Mayfield.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Constable's district, including the town of Mayfield, in Graves county, be and the same is hereby extended to one mile and three quarters in every direction from the court house of said county.

Approved January 7, 1846.

## CHAPTER 3.

AN ACT to allow an additional Justice of the Peace and Constable to Fulton county.

*SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an additional Justice of the Peace be allowed to Fulton county, who may reside in that part of said county known as the Madrid Bend.

*SEC. 2.* That an additional Constable be allowed to said county, who may also reside in that part of said county known as the Madrid Bend.

Approved January 8, 1846.

## CHAPTER 4.

AN ACT for the benefit of Mary Ann M. Hall, and others.

WHEREAS, it is represented to the present General Assembly, that on the 18th day of February, 1845, their friend and relation, Robert C. Hall, of the county of Boone and State of Missouri, by deed of gift, did convey and give to Mary A. M. Hall, wife of Laurence H. Hall, of the county of Todd and State of Kentucky, and the children which the said Mary A. M. Hall and her said husband had at that time, or might have thereafter, a certain negro man named Joshua. Therefore:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said Mary A. M. Hall, wife of Laurence H. Hall, and the children of said Laurence and Mary A. M., be and they are hereby allowed to bring into this State, the said negro man Joshua, without incurring the penalty of the law of 1833, prohibiting the importation of slaves into this State: *Provided,* the said Laurence H. Hall for, and on behalf of, his wife and children, shall, within thirty days thereafter, file with the Clerk of the Todd County Court, Kentucky, an affidavit containing the name of said slave, and that he was brought for the use of his family and not as merchandise.

Approved January 8, 1846.

CHAPTER 5.

1846.

AN ACT authorizing the County Court of Breckinridge county to change the location of a part of the State road leading from Brandenburg to Shawneetown.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the County Court of Breckinridge county, upon application being made to them by Marble N. Dent, to change the location of that part of the State road leading from Brandenburg to Shawneetown, which lies between the mouth of the lane between the lands occupied by Charles B. Alexander and the land of Elias F. Davis and Sinking creek, so as to straighten the same, if, in the opinion of said County Court, such change will promote the public convenience.

Approved January 10, 1846.

CHAPTER 6.

AN ACT to continue in force for one year, an act for the benefit of Isaiah Heston, late Sheriff of Breckinridge county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the provisions of an act, entitled, an act for the benefit of Isaiah Heston, late Sheriff of Breckinridge county, approved January 8th, 1845, be continued in force for one year after the 1st day of March next.

Approved January 10, 1846.

CHAPTER 7.

AN ACT for the benefit of Samuel E. Carpenter.

**WHEREAS**, a patent issued from the Land Office of the Commonwealth of Kentucky, on the 3d day of June, 1833, for twenty three acres of land in Allen county, on Long creek, to Michael Hatler, Jr.: and, whereas, the said Hatler sold said land to Samuel E. Carpenter, and made his transfer to the same on a copy of the survey of said land, on the 13th day of November, 1833, before he was aware that said patent had issued in his name, since which time said Hatler has departed this life. Therefore:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That upon the said Carpenter presenting to the Register, said Hatler's transfer of said land, he is hereby directed to issue to said Carpenter a patent for said land.

Approved January 10, 1846.

1846.

## CHAPTER 8.

AN ACT to change the names of William Reynolds and Walker Reynolds to those of William Cochran and Walker Cochran, and for other purposes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the names of William Reynolds and Walker Reynolds, of the county of Madison, be and the same are hereby changed to those of William Cochran and Walker Cochran, and they are hereby legitimatized and made capable, in law, of inheriting their distributable parts of the estate of their father, John Cochran, in the same manner as if they had been born in lawful wedlock.

Approved January 10, 1846.

## CHAPTER 10.

AN ACT for the benefit of the Clerk of the Clinton Circuit Court.

WHEREAS, it is represented to this General Assembly, that, at the last Spring term of the Clinton Circuit Court, the Clerk of said Court was unable to procure a well bound book in which to make up a portion of the orders of said term, and that the orders for a part of the term were made up in a book not suitable for an order book. Therefore:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Clerk of said Court be, and he is hereby authorized to transcribe said orders in a suitable well bound order book, which record, when transcribed, shall stand and be regarded as the record of said court.

Approved January 10, 1846.

## CHAPTER 11.

AN ACT to change the time of holding the election of Trustees for the town of Cadiz, in Trigg county.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the next annual election of Trustees for the town of Cadiz, in Trigg county, said elections shall be held on the first Monday in January in each year, instead of the first Monday in May, as now provided for by law, and that the Trustees who may be elected in May next, shall hold their office until their successors are duly elected.

Sec. 2. That all laws or parts of laws coming within the purview of this act, be and the same are hereby repealed.

Approved January 10, 1846.

CHAPTER 12.

1846.

AN ACT to allow further time to the Sheriff of Pulaski county to return his delinquent list of muster fines, and for other purposes.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Sheriff of Pulaski county be, and he is hereby allowed until the first Monday in November next to return his delinquent list of muster fines collectable in the year 1845.

**SEC. 2.** *Be it further enacted,* That the Sheriff of Rockcastle county shall be allowed the further time until the 4th Monday of May next to collect the county levy and return his delinquent list.

Approved January 10, 1846.

CHAPTER 13.

AN ACT to authorize the County Court of Barren county to change the location of the Poor House in said county.

**WHEREAS,** it is represented to the present General Assembly, that the location of the Poor House, in the county of Barren, is an unhealthy one, and endangers the health and lives of the paupers of said county; and a majority of the Justices of said county having petitioned the present General Assembly for authority to dispose of the Poor House and Poor House lands in said county. Therefore:

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the County Court for the said county of Barren, a majority of all the Justices of said county concurring, may, at any term of said court in the year 1846, order and direct said Poor House, and the tract of land upon which the same is situated, to be sold upon such terms as they by their order may direct; and for that purpose they are hereby authorized, by their order, to appoint a Commissioner to make said sale, and to direct said Commissioner upon what terms to make said sale, and to authorize him to take bond or bonds for the purchase money, payable to himself, for the use and benefit of the Barren County Court, and to make a conveyance or conveyances to the purchaser or purchasers, by deed or otherwise, retaining a lien on said land and Poor House for the payment of the purchase money.

**SEC. 2.** That the purchase money for which said house and land may sell, shall, when collected by said Commissioner, be paid into the treasury of said county, and be applied to the reduction of the county levy of said county.

**SEC. 3.** That the said County Court may make such allowance to the Commissioner, herein provided for, as they may think reasonable, and levy upon the county for the same.

**SEC. 4.** That the said County Court of Barren county shall be, and they are hereby authorized to purchase another tract of land, in said county, not exceeding 200 acres, and to take



**1846.**

conveyances of, and hold the same, and to erect other suitable buildings thereon for the accommodation of the poor of said county, and in all other respects to conduct and manage the same in the same manner, and to be governed by the same laws as though they had not heretofore erected any Poor House for said county: *Provided, however*, that in making the contract for land and buildings, that they may either use the proceeds of the sales of the present Poor House and lands, or levy upon the county for the necessary means, as they may think most conducive to the interest of said county.

SEC. 5. That, hereafter, the order of one Justice of the Peace shall be sufficient to authorize the Keeper of the Poor House, in said county of Barren, to receive and retain any pauper, at said Poor House, until the next Court of Claims for said county, unless at any time previous to such Court of Claims, the County Court for said county should direct that such pauper be discharged.

Approved January 14, 1846.

#### CHAPTER 14.

AN ACT for the benefit of Jonathan T. Moredock.

Preamble.

**WHEREAS**, it is represented to this General Assembly, that James Moredock, deceased, devised to Stephen R. Moredock, in trust, for the use and benefit of Jonathan T. Moredock, two hundred acres of land in Breckinridge county, with a small improvement thereon, and is almost entirely unproductive, and the said Jonathan T. Moredock, and said trustee conceive it to be to the interest of said Jonathan T. Moredock to sell said unproductive tract of land, and vest the proceeds in a female slave or slaves, for his use and benefit. Therefore:

Court may  
decree a sale of  
land, &c.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the said Jonathan T. Moredock to file his bill or petition in chancery, in the Breckinridge Circuit Court, setting forth the quantity and quality of said tract of land, and improvements thereon, and the advantages that will result to him; and shall make said Stephen R. Moredock a party to said bill or petition, who shall be legally brought before the court, and shall file a copy of the will of said James Moredock, deceased; and if said Court, from the exhibits filed and proof which may be made in court, orally or by deposition or affidavit, shall be of opinion that a sale of said tract of land would be to the interest and advantage of the said Jonathan T. Moredock, and to vest the proceeds of the sale of said tract of land in a female slave or slaves, he may make a decree authorizing and directing a sale to be made of said tract of land, upon such terms and credit as said Court shall deem most advisable, and the proceeds vested in a female slave or slaves, for the use and benefit of said Jonathan T. Moredock, in the hands, and under the man-

agement of said trustee, who shall give bond and security for the faithful discharge of the duties imposed upon him by this act and the decree of the court; and the court, in said decree, shall appoint a Commissioner to make said sale, and convey, by deed, said tract of land to the purchaser, on the payment of the purchase money; which deed shall be acknowledged and approved in open court, and shall be certified to the Clerk of the Breckinridge County Court for record; and in case said trustee refuses to act, then said court shall have power to appoint another.

1846.

Approved January 14, 1846.

## CHAPTER 15.

AN ACT to change the name of Samuel Allison.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the name of Samuel Allison be and the same is hereby changed to that of Samuel Allison Jones.

Approved January 14, 1846.

## CHAPTER 16.

AN ACT for the benefit of the town of Albany.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Trustees of the town of Albany, in the county of Clinton, be and they are hereby authorized and empowered to sell, at public auction or otherwise, all that portion of Clear alley, Fifth street, Wood street, Cumberland street, Jefferson street, and Randolph alley, which lies east of Springstreet, or such of them as the said Trustees shall see fit to sell, and appropriate the proceeds thereof to the improvement of the streets in said town: *Provided*, the owners of lots or parts of lots on that part of said streets and alleys authorized to be sold, shall give their consent, in writing, to the Trustees to sell the same, which writing shall be recorded in the County Court Clerk's office of Clinton county.

**SEC. 2.** *Be it further enacted*, That said Trustees be and they are hereby empowered to convey, by deeds, such of said streets as they may sell, which deeds shall vest in the purchaser a good legal title to the same.

Approved January 14, 1846.

## CHAPTER 17.

AN ACT for the benefit of James Flippin and W. G. Howard, late Sheriff of Monroe county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James Flippin and W. G. Howard, late

1846.

Sheriffs of Monroe county, have until the 1st day of January, 1848, to collect all arrearages of revenue and county levy tax, and that they have authority to distrain for the same as though their terms of office had not expired.

Approved January 14, 1846.

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CHAPTER 18.

AN ACT to change the name of James William Davis.

WHEREAS, it is represented that an orphan child by the name of James William Davis, who has been bound to Noah Johnson by the Owen County Court; and, whereas, said Johnson is at present childless, and is desirous to do a good part by said orphan. Therefore:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the name of said orphan, James William Davis, be and is hereby changed to that of James William Johnson.

Approved January 14, 1846.

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CHAPTER 20.

AN ACT for the benefit of the Jailers of Hickman, Oldham, and Livingston counties.

*SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for William P. Woodward, Jailer of Hickman county, to reside at any place within the limits of the town of Clinton.

*SEC. 2.* That the Jailer of Oldham county be permitted to reside anywhere within the limits of the town of LaGrange.

*SEC. 3.* That the Jailer of Livingston county be authorized and empowered to reside at any place within the limits of the town of Smithland.

Approved January 14, 1846.

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CHAPTER 21.

AN ACT to change the names of Betsey Walton and Mary Ann White.

*SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the name of Betsey Walton, who is represented to be the illegitimate daughter of John H. Grimes, be and hereby is changed to that of Elizabeth V. Grimes, and by that name shall hereafter be known and called.

*SEC. 2. Be it further enacted*, That the said Elizabeth V. Grimes is hereby legitimated as the daughter of the said John H. Grimes, and made capable to take, by descent, as heir of said John H. Grimes.

**SEC. 3.** *Be it further enacted,* That the name of Mary Ann White, of Monroe county, be changed to that of Mary Ann Maxey, and that she be made capable of inheritance from her father, H. P. Maxey.

1846.

Approved January 14, 1846.

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CHAPTER 22.

AN ACT authorizing the appointment of additional Justices of the Peace for the counties of Muhlenburg and Union.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be appointed one additional Justice of the Peace for the county of Muhlenburg.

**SEC. 2.** *Be it further enacted,* That there shall be one additional Justice of the Peace allowed to the county of Union, who may reside in the neighborhood of the late residence of Lewis Greenwell, deceased.

Approved January 14, 1846.

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CHAPTER 23.

AN ACT for the benefit of Benjamin Leavell.

**WHEREAS,** it is represented to the present General Assembly, that Benjamin Leavell, of Christian county, purchased, some years ago, a certain slave named Alfred, who was taken from this State, where he was born and raised, and sold in the State of Tennessee; and that it is the prayer of many of the fellow citizens and neighbors of the said Leavell, that he should have the privilege of bringing back said slave to this State, from which he was taken; and it appearing further that the said slave is of good moral character. Wherefore:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Benjamin Leavell, of Christian county, be and he is hereby authorized to bring back into this State, from the State of Tennessee, a certain slave named Alfred: *Provided,* he shall, within thirty days after introducing said slave, file, and cause to be entered on the order book of the County Court of Christian county, his affidavit, setting forth the name of said slave, and his age; and that he was brought back into this State for the use of himself and family, and not for sale or merchandise, and that he intends to keep him for his own use.

Approved January 14, 1846.

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CHAPTER 24.

AN ACT for the benefit of John Sparks, a Constable of Harrison county.

**WHEREAS,** it is represented to this General Assembly, that the district of John Sparks, a Constable of Harrison county,

1846.

can be so enlarged as to conflict with no other district in said county, and be of great convenience to said Sparks. Therefore:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Constable district of John Sparks, of Harrison county, be so enlarged as to include that portion of country embraced in the following boundary: Beginning at the lower corner of the present boundary of said district, on South Licking, thence down said stream to the mouth of Mill creek, thence up said creek to that point where the road from Broadwell to the Rocky Spring crosses the same, and thence with said road to Gray's run.

Approved January 14, 1846.

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CHAPTER 26.

AN ACT to change the name of Clementine Pinley to Clementine Waterbury.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the name of Clementine Pinley, be and the same hereby is changed to Clementine Waterbury, and by the latter name shall hereafter be known.

SEC. 2. That upon William Waterbury appearing in the County Court for Jefferson county, and having an order made by said court that this act has been passed at his instance and request, and that he wishes that said Clementine shall stand in the same relation to him as if she were his own child, the said Clementine shall be capable of taking, by descent, as heir of said William Waterbury.

Approved January 14, 1846.

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CHAPTER 27.

AN ACT for the benefit of Moses McMillin, of Barren county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Moses McMillin, of Barren county, shall be and is hereby permitted to purchase from his father-in-law, Solomon Payne, of Tennessee, a negro man, Lee, (which negro man is now, and has been for many years, in possession of said McMillin,) without incurring the penalties of the existing laws: *Provided*, said McMillin shall, in a reasonable time, make his affidavit before some acting Justice of the Peace for Barren county, and have the same recorded in the Clerk's office of said county, setting forth the fact that said slave, Lee, is purchased for his own use and not for merchandise.

Approved January 14, 1846.

## CHAPTER 28.

1846.

AN ACT to change the venue in the prosecutions against Moses Guess, Philip F. Jones, Murray M. Jones, and John P. Salling, from the Edmonson to the Warren Circuit Court.

WHEREAS, it is represented to the present General Assembly, that an indictment is now depending in the Circuit Court for Edmonson county, against Moses Guess, Philip F. Jones, Murray M. Jones, and John P. Salling, for murdering David Smith; and that the said Philip F. Jones stands indicted in the same court for perjury; and that owing to the prejudice and influence of many of the citizens of said county, they cannot have a fair and impartial trial in said county. For remedy whereof:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the said Moses Guess, Philip F. Jones, Murray M. Jones, and John P. Salling, on the first day of the next term of the Edmonson Circuit Court, to make their election to be tried in the Warren Circuit Court; which election shall be noted of record. And, thereupon, it shall be the duty of the Judge of the Edmonson Circuit Court to direct the Sheriff of Edmonson county to safely convey said Moses Guess, Philip F. Jones, Murray M. Jones, and John P. Salling, to the county of Warren, and deliver their bodies to the Jailer of Warren county, whose duty it shall be to receive said prisoners and safely keep them until discharged by due course of law.

SEC. 2. And it shall be the duty of the Clerk of the Edmonson Circuit Court, to transmit all the papers on file in his office, together with copies of all orders made in court relating to said prosecutions, to the Clerk of the Warren Circuit Court. And the said Warren Circuit Court shall take cognizance of said prosecutions and every thing incident thereto, in the same manner as if said offences, for which said Guess, Jones, and Salling are indicted, were committed in the county of Warren. And the Judge of the Edmonson Circuit Court shall, in case the said Moses Guess, Philip F. Jones, Murray M. Jones, and John P. Salling, make their election as herein provided, recognise the witnesses on the part of the Commonwealth to appear in the Warren Circuit Court to give evidence in said prosecutions; and the said Warren Circuit Court shall proceed on all such recognizances in the same manner as if they had been entered into in that court. And in case said indictments, or either of them, shall be found defective, and shall be quashed, or the judgment or judgments thereon arrested, said Moses Guess, Philip F. Jones, Murray M. Jones, and John P. Salling, or either of them, shall not, for that cause, be discharged, but a special grand jury shall be summoned by order of the Warren Circuit Court, if the regular grand jury shall have been discharged, and new indictments found, if the evidence will warrant it; and said Moses Guess, Philip F. Jones, Murray M. Jones, and John P. Salling, shall be tried thereon in

1846.

the same manner as if said offences had been committed in the county of Warren.

SEC. 3. *Be it further enacted*, That the witnesses attending the Warren Circuit Court, in consequence of this change of venue, shall be allowed the same pay, per day, and mileage as other witnesses going out of their county under legal process.

Approved January 14, 1846.

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CHAPTER 29.

AN ACT to divorce John Kincaid, Jr., and Martha S. Kincaid. and to restore her to her maiden name.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract existing between John Kincaid, Jr., and Martha Susan Kincaid, his wife, be and the same is hereby dissolved, and the said parties are hereby divorced from each other, and restored to all the rights and privileges of single or unmarried persons in every respect as if said marriage contract had not been entered into or consummated; and the said Martha Susan Kincaid is hereby restored to her maiden name of Martha Susan Owsley.

Approved January 17, 1846.

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CHAPTER 30.

AN ACT divorcing Mary Hancock and Sarah Ann Doneghy.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Mary Hancock be and she is hereby divorced from her husband, James Hancock; and the said Mary Hancock is restored to all the rights and privileges of an unmarried woman.

SEC. 2. *Be it further enacted*, That Sarah Ann Doneghy be and she is hereby divorced from her husband, John G. Doneghy, and restored to all the privileges of an unmarried woman.

Approved January 20, 1846.

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CHAPTER 31.

AN ACT divorcing Mary E. Levi.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Mary E. Levi be and she is hereby divorced from her husband, James C. Levi, and restored to all the rights and privileges of an unmarried woman, and to her maiden name of Mary E. Galloway.

Approved January 21, 1846.

CHAPTER 32.

AN ACT for the benefit of Urban E. Kennedy and Achsah H. Kennedy, of Todd county.

1846.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Achsah H. Kennedy, wife of Urban E. Kennedy, of Todd county, be and she hereby is made capable of relinquishing her right of dower to any lands which her husband has sold or may hereafter sell; which relinquishment or relinquishments shall have the same effect as if she were twenty one years old.

Approved January 21, 1846.

CHAPTER 33.

AN ACT for the benefit of the children of Wm. M. Taylor.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for James T. Dorsey, guardian of Philip R. Taylor, to file a bill in chancery, in the Louisville Chancery Court, against the children and heirs at law of Dr. William D. S. Taylor, Reuben O. Taylor, and Francis O. Taylor, children and heirs at law of William M. Taylor, deceased, asking a sale of the tract of land upon which the said William M. lived and died, and if it shall be deemed by the Chancellor to the interest of the said children, to-wit: the said Philip R., and the said children of William D. S., Reuben O., and Francis O. Taylor, the said court may order a sale of the undivided interests of the said last named children in and to the said tract, upon such terms and credits as may be deemed best.

SEC. 2. That it shall be lawful for said court to direct the proceeds of said sale to be paid over to the guardians of Philip R., and the children of William D. S., Reuben O., and Francis O. Taylor: *Provided*, the said guardians shall first give bond in the said court, with good security in double the amount received, faithfully to account for the same, with conditions annexed thereto as is provided by law in the case of guardian bonds.

Approved January 21, 1846.

CHAPTER 34.

AN ACT for the benefit of Common School District, No. 23, in Caldwell co.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Superintendent of Public Instruction be and he is hereby authorized to pay to the Trustees of the Common School District, No. 23, in the county of Caldwell, the amount of money to which said district may be entitled for a school therein taught for six months, during the year



1846. ending August 31st, 1844, a report of which has been placed in the hands of said Superintendent.

Approved January 21, 1846.

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CHAPTER 36.

AN ACT for the benefit of the infant heirs of G. W. Wall, deceased.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for Alexander H. Wall, executor of the last will and testament of Garret Wall, deceased, to file his bill in chancery in the Harrison Circuit Court, making all the devisees and persons interested in the estate left by said Garret, parties; and setting forth the circumstances under which said executor sold a mill and one acre of land on Big Eagle creek, in Scott county, the time when sold, and the sum received therefor: and if it shall appear to the satisfaction of said court, that a confirmation of said sale will redound to the advantage of the infant heirs of G. W. Wall, deceased, said court may make a decree confirming said sale, so far as said infant heirs are concerned.

SEC. 2. And it shall be the duty of said court to make such orders in the case as will secure to said infant heirs their respective shares and interests of the purchase money of said mill property: and, also, all such orders and decrees as may be necessary to vest in the purchaser all the right, title, and interest of said infants in said property.

Approved January 21, 1846.

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CHAPTER 37.

AN ACT to change the venue in the prosecution against Amon C. Hale.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for Amon C. Hale, who stands indicted in the Clinton Circuit Court for perjury, to appear before the Judge of said Court on the first, or any subsequent day of the next term thereof, and make his election to be tried in the Monroe Circuit Court; which election shall be entered upon the records of the Court; and thereupon, the Clinton Circuit Court shall recognize said Hale to appear in the Monroe Circuit Court the first day of the first term of said Court next ensuing the date of said recognizance, to answer said indictment; and upon such indictment, and such other proceedings as may have been had thereon, being certified to said Monroe Circuit Court, that court shall take cognizance of said prosecution, and every thing pertaining thereto, in the same manner as though the offence had been committed in Monroe county, or the indictment found by a grand jury of that county; and on said election being made, and recognizance being given, the Judge of the Clinton Circuit

1846.

Court shall recognise the witnesses, as well on the part of the Commonwealth, as on the part of said Hale, if they or any of them shall be in court, to be and appear in said Circuit Court of Monroe county, to give evidence on the trial of said indictment; and the Monroe Circuit Court shall have full power to proceed on and act on said recognizances in the same way as though said recognizances had been entered into in said Monroe Circuit Court; and in case the said indictment shall be ruled bad on demurrer, or shall be quashed on motion, the said Hale shall not be discharged, but a grand jury may, on the motion of the Attorney prosecuting for the Commonwealth in the Monroe Circuit Court, be forthwith empanelled and sworn, if the regular grand jury shall have been discharged, and a new indictment found, if the evidence will warrant the same, and the said Hale may be tried thereon in said Monroe Circuit Court, as though the offence had been committed within the jurisdiction of said Monroe Circuit Court.

SEC. 2. The Clerk of the Clinton Circuit Court, upon the election having been made, and recognizances given by said Hale, as herein provided for, shall transmit, by some safe conveyance, the indictment and other papers, with a transcript of all the orders of said Clinton Circuit Court, made in said case, duly certified as full, true and complete, to the Clerk of the Monroe Circuit Court; and the Clerk of the Monroe Circuit Court shall give a special and particular receipt for said indictment, and other papers and transcripts, to the person from whom they are received, who shall deliver said receipt to the Clerk of the Clinton Circuit Court.

SEC. 3. That the witnesses attending the Monroe Circuit Court shall receive the same compensation for their services and mileage as is allowed by law to witnesses in other like cases.

Approved January 21, 1846.

#### CHAPTER 38.

AN ACT incorporating the Sons of Temperance, under the title of "Covington Division No. 1, Sons of Temperance of the State of Kentucky," located in the city of Covington.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That H. W. Wayman, George W. Kyle, William B. Sheldon, William H. Wood, George Stackhouse, Riel H. Wayman, William E. Wade, Theodore Wade, William Starke, Samuel Kennedy, A. S. Kennedy, Thomas Farrell, Joseph Kirkpatrick, Thomas Hawkins, Isaac Lemair, Benjamin Wilhien, J. Ramsay, B. W. Foley, J. B. McNickle, J. W. Conelly, Albert Anderson, and D. W. Tidd, officers and members of the Covington Division No. 1, Sons of Temperance of the State of Kentucky, and their successors, be and they are hereby declared to be a community, corporation and

Incorporated  
and corporate  
powers.

1846.

body politic, by the name and style of the Covington Division No. 1, Sons of Temperance of the State of Kentucky, and by that name they and their successors shall, and may at all times, hereafter, be capable in law, to have, receive, and retain to them and their successors, property real and personal, and also devises or bequests of any person or persons, bodies corporate or politic, capable of making the same, and the same at their pleasure to transfer or dispose of in such manner as they may think proper: *Provided* always, that the said corporation or body politic shall not, at any time, hold or possess property real and personal, or mixed, exceeding in value the sum of eight thousand dollars.

May sue and  
be sued.

SEC. 2. That the said corporation, and their successors, by the name and title aforesaid, shall be capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of law and equity, and before all or any Judges, officers, or persons whatsoever, in all actions, matters, or demands whatsoever.

May have a  
seal and exer-  
cise certain  
powers.

SEC. 3. That it shall be lawful for the said corporation to have a common seal for their use, and the same at will and pleasure to change, alter, or make anew from time to time, as they may think best, and shall, in general, have and exercise all such rights, privileges and immunities as by law are incident or necessary to corporations, and what may be necessary to the corporation herein constituted, and to enable the members of said division to exercise all things concerning the design of this corporation, for the benevolent relief of the sick and distressed, and for the promotion of their purposes generally.

Legislature  
may examine  
condition of  
the corpora-  
tion.

SEC. 4. That it shall be lawful, at any time, for the General Assembly to demand a statement of the amount of property, real and personal, belonging to the said corporation, and of the debts due to and from the same, and the purposes for which disbursements shall have been made, and shall also have the right to authorize one or more persons to inspect such general accounts in the books of the corporation as shall relate to such statements.

Shall not issue  
notes.

SEC. 5. That this corporation shall not be permitted to issue any note, token, device, scrip, or evidence of debt, to be used as a currency.

Limitation  
and right of  
Legislature to  
repeal.

SEC. 6. That this act shall be in force for thirty years: but the Legislature reserves to itself the right to change, alter, or annul the same at pleasure.

Approved January 21, 1846.

CHAPTER 39.

1846.

AN ACT to amend an act, entitled, an act for the benefit of the Grand and Subordinate Lodges of the Independent Order of Odd Fellows, and for the benefit of Washington Lodge No. 3, in the city of Covington.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the members of Washington Lodge No. 3 of Independent Order of Odd Fellows of Covington, be and are hereby created a body politic and corporate, by the name and style of Washington Lodge No. 3, Independent Order of Odd Fellows of Covington, with perpetual succession, and by that name shall be capable of contracting and being contracted with, of suing and being sued, of purchasing and holding all such real estate as may be requisite for the use and accommodation of said Lodge, to receive all necessary conveyances, and to sell, convey, and dispose of all such real estate as they may now have, or hereafter acquire: provided the amount vested in real estate shall, at no time, exceed ten thousand dollars, in addition to the building or buildings that may be erected thereon.

Incorporated  
and corporate  
powers.

SEC. 2. That the management of the concerns of said corporation shall be and is hereby confided to three trustees, whom the said Lodge shall appoint annually in the month of April, and who, or a majority, shall have full power to make all contracts, pertaining to the real estate in any respect, either purchasing, building, renting, or for any other purpose, which shall be binding and obligatory upon the Lodge, when made pursuant to the rules, by-laws, and instructions of the Lodge; and when a vacancy shall occur, the Lodge may proceed at any time to fill it; should any trustee remove from the city of Covington, or cease to be a member of the Lodge, his office shall be thereby vacated, and the Lodge may, for good cause, remove any of the trustees; service of process, or notice on any trustee shall be sufficient notice to the said corporation.

Trustees to be  
appointed and  
their powers.

SEC. 3. That the object of this corporation is only to enable the said Lodge to hold and manage real estate, and this act, and the power hereby granted, shall not be employed for any other purpose; and should said Lodge be at any time discontinued, the real estate shall be for the use of such of its members as shall then be of good standing.

If dissolved,  
how property  
shall go.

Approved January 21, 1846.

CHAPTER 40.

AN ACT to change the names of John Holley, Hezekiah Ashley, and Aurelius Valerion Grigsby.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the name of John Lewis Holley be and the same is hereby changed to that of John Lewis King, and that he be and is hereby made capable of inheriting the estate of his father, Philip King, just as though he had been born in lawful wedlock.

1846.

SEC. 2. *Be it further enacted*, That the name of Hezekiah Ashley be changed to that of Hezekiah Carns, and that he be and is hereby made capable of inheriting the estate of Zachariah Carns.

SEC. 3. That the name of Aurelius Valerion Grigsby be and the same is hereby changed to that of Aurelius Valerion Hall; and he is hereby rendered as capable of receiving, by descent, the property of Thomas Jefferson Hall, as if he had been born in lawful wedlock.

Approved January 21, 1846.

#### CHAPTER 41.

AN ACT to amend "an act providing for a change of venue in the prosecution against Joseph N. Allen," approved January 22, 1845.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act, entitled, "an act providing for a change of venue in the prosecution against Joseph N. Allen," approved January 22, 1845, be and the same is hereby amended, so as to grant to said Joseph N. Allen a change of venue from the Spencer Circuit Court to the Oldham Circuit Court, instead of to the Nelson Circuit Court, as as provided in said recited act to which this is an amendment. And said recited act is to have the same force and effect as if the same were herein set forth with the word *Oldham* inserted wherever the word *Nelson* occurs.

SEC. 2. *Be it further enacted*, That in case the said indictment shall be ruled bad on demurrer, or shall be quashed on motion, the said Allen shall not be discharged, but a grand jury may, on the motion of the Attorney prosecuting for the Commonwealth in said Oldham Circuit Court, be forthwith empannelled and sworn, if the regular grand jury shall have been discharged, and a new indictment found, if the evidence will warrant the same, and the said Allen may be tried thereon in the Oldham Circuit Court, as though the offence had been committed within the jurisdiction of said Oldham Circuit Court.

Approved January 21, 1846.

#### CHAPTER 44.

AN ACT for the benefit of Susan Ann D. Young, and her children.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for Susan Ann D. Young, wife of Elias D. Young, for herself and her children, to file a petition in the Louisville Chancery Court, for a sale of the house and lot in the city of Louisville, conveyed by her father, Nathan Marders, to Jacob Hite in trust for her and her children, and if a sale shall be deemed advisable and

to the interest of her and her children, by the Chancellor, it shall be lawful for the said court to order a sale of the said house and lot, and direct the proceeds to be invested in the purchase of a farm in the State of Missouri by a trustee, to be conveyed to, and held by him on the terms and conditions set out in the deed from the said Marders to said Hite.

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SEC. 2. That it shall be lawful, on the request of the said Hite or the said Susan Ann D. Young, for the said court to remove the said Hite and appoint a new trustee in his place, on the terms set out in the deed from the said Marders to the said Hite: *Provided, however*, that the proceeds of sale of the said house and lot shall not be paid over to the new trustee, until he shall first give bond with good security in the penalty of double the amount thereof, conditioned well and truly to perform any order of the said court made in the premises, if it shall be deemed by the court advisable to take said bond, and said court may, if it be deemed to the interest of the said Susan Ann D. Young and her children, direct the proceeds to be paid over to such new trustee without requiring such bond.

Approved January 21, 1846.

## CHAPTER 45.

AN ACT for the benefit of John Dennis's wife and children.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for John Dennis and Eliza, his wife, to file a bill in Chancery in the Louisville Chancery Court against the children of the said John Dennis, on the body of the said Eliza begotten, asking a sale of the house and lot lying in the city of Louisville, on the north side of Green Street, between 10th and 11th Cross Streets, and conveyed to them by Benedict Beer, or an exchange of the same for a farm in the State of Indiana; and it shall be lawful for the said court, if it shall be deemed advisable by the Chancellor, to order a sale of the said house and lot, and an investment of the proceeds in the purchase of a farm in the State of Indiana, to be conveyed to a trustee, on the trusts set out in the deed from the said Beer: *Provided, however*, that the proceeds shall not be paid over to the trustee until he shall first give bond with good security, resident in this Commonwealth, in the penalty of double the amount thereof, conditioned faithfully to invest the same as directed.

SEC. 2. *Be it further enacted*, That it shall be lawful for said court, if it be deemed best, to appoint a Commissioner to ascertain and report an exchange, if it can be done to the interest of the said Eliza and her children, of the said lot, for a farm in the State of Indiana; and if such report be made, and an exchange be deemed advisable, it shall be lawful for said court to direct the exchange, and the farm conveyed to a new

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trustee on the trusts set out in the deed of the said Beer as aforesaid.

Approved January 31, 1846.

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CHAPTER 46.

AN ACT for the relief of Francis Machen.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for Francis Machen to file a bill in Chancery in the Caldwell Circuit Court, making H. M. Prince and Robert C. Prince, infant heirs of John Prince, dec'd, defendants; and if it shall appear to the satisfaction of said court, that said Francis Machen was the owner of one moiety, and the said infants of the other moiety of a negro man named *George*, and that the sale of said *George*, by said Machen, was for his full value, it shall be the duty of said court to make a decree, requiring said Francis Machen to pay into court, for the use of said infants, one half of the money received by said Machen, with interest thereon from the time when received; and said court shall thereupon make a decree confirming said sale, and vesting title in the purchaser thereof; and that the money thus paid be delivered to the guardian of said infants, upon his executing bond in a penalty double the amount thus received, with good security, conditioned to pay the same to the said infants when they arrive at full age, or whenever required by said court.

SEC. 2. *Be it further enacted*, That, if it shall appear to said court that said negro man was not sold for his full value, a decree shall be rendered against said Machen for one half of such ascertained value, with interest from the day of sale; and upon the payment of the same in the manner directed in the first section of this act, the sale of said negro man, *George*, may be confirmed by the decree of said court.

Approved January 21, 1846.

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CHAPTER 47.

AN ACT for the benefit of the heirs of Elisha Franklin, deceased.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for Lewis Parker, administrator and guardian to Matilda, Lewis, Louisa and Mary Franklin, children of Elisha Franklin, dec'd, to file a bill in Chancery in the Wayne Circuit Court, asking a sale of a tract of land of 213 acres, lying on the waters of Fishing creek, in the county of Pulaski, which descended to the said heirs from their ancestor, and an appropriation of the proceeds to the payment of his debts; and if it shall be deemed advisable, the said court may appoint a Commissioner to make sale of said tract of land, instead of the negroes of the said

1846.

Elisha, upon such terms and credits as may be deemed best, who shall make his report thereof to the said court for confirmation; and said court may confirm his report, or quash it, and order a new sale, if it be deemed best.

**SEC. 2.** *Be it further enacted,* That it shall and may be lawful for the said court to direct the proceeds of sale to be paid over to the administrator of the said Elisha: *Provided,* he shall give bond in the said Circuit Court in a penalty double the amount so received, with good security, to be approved of by the court, conditioned faithfully to apply the same in payment of the debts of the said Elisha Franklin, and to account for the same as directed by law.

Approved January 21, 1846.

CHAPTER 48.

AN ACT for the benefit of William Skaggs, late Sheriff of Green county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That William Skaggs, Sheriff of Green county, shall have until the April Term of the Green County Court to return his delinquent list; and upon the return of such delinquent list, the Auditor shall settle the same as though said list had been returned in the time now prescribed by law, and issue his warrant for the amount of the same on the Treasurer in favor of said Sheriff, which shall be paid out of any money in the Treasury not otherwise appropriated.

Approved January 21, 1846.

CHAPTER 49.

AN ACT to change the venue in the prosecution against Milton Martin, indicted for felony.

**WHEREAS,** It is represented to the General Assembly, that Milton Martin stands indicted in the Laurel Circuit Court for felony, and that owing to the prejudice and influence of the prosecutor and many of the citizens of said county, he cannot have a fair trial before a jury of said county. For remedy whereof:

Preamble.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the said Milton Martin to appear in the Laurel Circuit Court, on the first day of the next term thereof, and make his election to be tried in the Rockcastle Circuit Court, which election shall be entered of record by the Clerk; and thereupon the said Laurel Circuit Court shall recognize the said Milton Martin, with good bail, to be and appear on the first day of the next ensuing term of the Rockcastle Circuit Court, to answer to said indictment, found as aforesaid in said Laurel Circuit Court,

Venue changed from Laurel to Rockcastle.



1846.

and upon said indictment and a record of the proceedings had in the Laurel Circuit Court being certified to the Rockcastle Circuit Court, the Rockcastle Circuit Court shall take cognizance of said indictment, and every thing incident thereto, in the same manner as if the offence for which said Milton Martin is indicted, had been committed in the county of Rockcastle; and for that purpose jurisdiction is hereby conferred on the Rockcastle Circuit Court; and the said Laurel Circuit Court shall, in case the said Milton Martin makes the election herein provided for, recognize the witnesses, as well on the part of the Commonwealth as the said Martin, if they or any of them shall be in court, to appear in the Rockcastle Circuit Court, to give evidence on the trial of said indictment; and the said Rockcastle Circuit Court shall proceed, upon all such recognizances, in the same manner, as if entered into in that court; and in case said indictment shall be found defective, and be quashed, or the judgment arrested, said Martin shall not for that cause be discharged, but a special grand jury shall be summoned, if the regular grand jury shall be discharged, and a new indictment found, if the evidence warrant it, and the said Martin shall be tried thereon, in the same manner as if the offence had been committed in the county of Rockcastle.

**SEC. 2.** The Clerk of the Laurel Circuit Court, upon the election of said Martin being made as herein provided, shall transmit, by the Sheriff of Laurel county, the indictment, writ and other papers, with a transcript of all orders made in said case, and said Sheriff, upon the delivery of said papers to the Clerk of the Rockcastle Circuit Court shall take a receipt from said Clerk, which shall be filed in said Laurel Circuit Court.

**SEC. 3.** That the witnesses attending the Rockcastle Circuit Court, in consequence of this change of venue, shall be allowed the same compensation and mileage, as witnesses who go out of their counties are now allowed by law.

Approved January 21, 1846.

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#### CHAPTER 50.

AN ACT for the benefit of Thomas McIntyre, of Mercer county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the County Court of Mercer may, at any term of said court hereafter, appropriate any sum not exceeding fifty dollars, out of the county levy, for the support and maintenance of Thomas McIntyre, an old soldier and pioneer of said county, and may annually make such appropriation, as they may think proper, for his support and maintenance, so long as he may need it, and reside in said county.

Approved January 21, 1846.

CHAPTER 51.

1846.

AN ACT for the benefit of William Adcock, and others.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the names of William Adcock, Mary Adcock, his wife, and his two children, Robert H. Adcock and Rachel Ann Pamela Adcock, and, also, the name of Lewis Adcock, be and the same are hereby changed to the names of William West, Mary West, Robert H. West, Rachel Ann Pamela West, and Lewis West: *Provided, however,* that said change shall, in no wise, effect any legal liability now existing between said persons and any other person or persons.

Approved January 21, 1846.

CHAPTER 52.

AN ACT for the benefit of William Davis, late Sheriff of Clinton county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That William Davis, late Sheriff of Clinton county, have the further time until the first day of November next, to collect, by distress or suit, his fees and arrearages of taxes, and to wind up his business as Sheriff.

Approved January 21, 1846.

CHAPTER 53.

AN ACT for the benefit of Quintus C. Shanks and Justinian T. Harris, late Sheriffs of Ohio county, and the Sheriff of Muhlenburg county.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Quintus C. Shanks and Justinian T. Harris, late Sheriffs of Ohio county, be allowed the further time of two years, from and after the passage of this act, to collect, by distress or suit, any fee bills, taxes, or militia fines which may remain in their hands uncollected; and that said Harris have the further time of three months to return his delinquent list of taxes and muster fines.

**SEC. 2.** *Be it further enacted,* That the Sheriff of Muhlenburg county have until the 1st day of June next to make out and return his delinquent list on the Auditor's additional list for the year 1845; and the 2d Auditor shall issue his warrant for such amount as may be due him.

Approved January 21, 1846.

CHAPTER 54.

AN ACT for the benefit of the School Commissioners of Fayette county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the School Commissioners in the county of Fayette, be and they are hereby authorized to report to the

1846.

Superintendent of Instruction, the Common Schools kept in the year 1844, in Districts Nos. 3 and 4, in Fayette county, at any time before the 10th of March next; and upon such report being made, he shall report the same to the 2d Auditor for the amount due, who shall issue his warrant upon the Treasurer for the same, which shall be paid as in other cases.

Approved January 21, 1846.

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CHAPTER 55.

AN ACT for the benefit of Jonathan Davis, of Allen county, and Raleigh Watson, of Morgan county.

May import  
slaves.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky* That Jonathan Davis, of Allen county, be and he is hereby permitted to bring into this State, a negro boy slave, named Reuben, about eight years old, without being liable to any fine or penalty for doing so, under the law prohibiting the importation of slaves into this Commonwealth: *Provided*, said Davis shall, within thirty days from the time of bringing said negro into this State, make affidavit before some Justice of the Peace of said county, and deliver the same to the County Court Clerk of said county, that he did not bring said slave into this State with a view to sell or otherwise dispose of the same, but alone for his own use, and that he will not sell the same in this State.

SEC. 2. *Be it further enacted*, That Raleigh Watson, of the county of Morgan, be permitted to bring into this State, a negro woman and child: *Provided*, he shall, in thirty days, take the oath prescribed by the first section of this act.

Approved January 21, 1846.

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CHAPTER 56.

AN ACT for the benefit of Edward Lewis, late Sheriff of Green county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the delinquent list returned by Edward Lewis, late Sheriff of Green county, to the July Term, 1845, of the Green County Court, shall be as valid as if it had been returned to the June Term previous; and upon the return of such delinquent list, the Auditor shall settle the same as though said list had been returned at the June Term of said court, and issue his warrant on the Treasurer in favor of said Sheriff for the amount thereof; which warrant shall be paid by the Treasurer out of any money in the Treasury not otherwise appropriated.

Approved January 21, 1846.

## CHAPTER 57.

1846.

AN ACT to change the name of a place in Madison county from Arcadia to that of Rogersville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the place, including the residence of Adam Rogers, Esq., Robert Reed, and Adam Rogers, Jr., commonly called Arcadia, in Madison county, shall hereafter be called Rogersville, in honor of the first settler, the ancestor of the present occupants of that name, who was a brave defender, in early time, of this country.

Approved January 24, 1846.

## CHAPTER 58.

AN ACT for the benefit of Joseph Botts.

WHEREAS, it is represented to the present General Assembly, that Joseph Botts stands indicted, in the Bracken Circuit Court, for aiding and assisting a slave, the property of Peter Helm, to escape to the State of Ohio, and that owing to the prejudice of the people of said county against him, he cannot have a fair trial in said county. For remedy whereof:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the said Joseph Botts to appear before the Bracken Circuit Court, on the first day of the next term thereof, and make his election to be tried in the Nicholas Circuit Court, which election shall be noted on the record; and, thereupon, the Bracken Circuit Court shall recognise the said Botts to appear on the first day of the next ensuing term of the Nicholas Circuit Court; and upon said indictment and such proceedings as may have been had thereon being certified to the Nicholas Circuit Court, said court shall take cognizance of said case in the same manner as if said offence had been committed in the county of Nicholas, and shall do and perform all acts and things relating thereto in as full and complete a manner as though said indictment had originated in the county of Nicholas; and all the officers of the Nicholas Circuit Court shall perform all the duties pertaining to their offices in relation to said indictment: and the Judge of the Bracken Circuit Court, in case said Botts makes his election as herein provided, recognise the witnesses, as well on the part of the said Botts as the Commonwealth, to appear in the Nicholas Circuit Court and give evidence in said prosecution. And the Nicholas Circuit Court shall proceed on all recognizances entered into in said case, in the same manner as if entered into in that court; and in case said indictment shall be found defective and be quashed, or the judgment arrested, said Botts shall not for that cause be discharged, but a special grand jury shall be summoned, if the regular grand jury shall have been discharged, and a new indictment found, if the evidence shall warrant it, and the defendant tried there-

1846.

on in the same manner as if the said offence had been committed in the county of Nicholas.

Sec. 2. That the Clerk of the Bracken Circuit Court, upon the election of said Botts being made as herein provided for, shall transmit to the Clerk of the Nicholas Circuit Court, said indictment, writ, and other papers, with a transcript of all orders made in the case, and take the receipt of the Clerk of the Nicholas Circuit Court therefor.

Sec. 3. That if the Clerk of the Bracken Circuit Court shall fail to comply with all or any part of the duties enjoined on him by this act, he shall be subject to a fine of one hundred dollars, recoverable after reasonable notice and rule of the court to that effect, in the Bracken Circuit Court, in favor of the Commonwealth, which fine shall be applied as other fines are now applied by law.

Sec. 4. That the witnesses attending said court, in said case, shall be allowed the same pay, per day, and for mileage, as other witnesses are allowed by law in similar cases under legal process.

Approved January 24, 1846.

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#### CHAPTER 59.

AN ACT to change the place of voting in an election precinct, in Hart county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the passage of this act, instead of holding the elections at Daniel Boone's, in the Bacon Creek Precinct, in Hart county, the same shall be held at the house of James Simpson, in said county, under the same regulations as are prescribed in the act establishing said precinct.

Approved January 24, 1846.

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#### CHAPTER 60.

AN ACT for the relief of Edmund Payne.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for Edmund Payne, of Warren county, to bring into this State from the State of Virginia, the following named slaves: William and his wife Phoebe and their children; Edgar and Julian; Mahala and her child Sarah: *Provided, however,* That the said Payne shall, within thirty days after bringing said slaves into this State, make affidavit before a Justice of the Peace, that said slaves were received by him in the State of Virginia for his own use and not for purposes of merchandize; which affidavit shall be recorded in the Clerk's office of the Warren County Court within thirty days from its date; and upon failing to comply with these conditions, the said Payne shall be liable to

the penalties prescribed by the act of the second of February, 1833, more effectually to prevent the importation of slaves into this Commonwealth as merchandize. 1846.

Approved January 24, 1846.

CHAPTER 61.

AN ACT authorizing the County Court of Boyle County to require its Clerk to make cross indexes to all deeds and other instruments of writing recorded in his office.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the County Court of Boyle county to require the Clerk of said court to make cross indexes to all deeds, mortgages and other instruments of writing recorded in his office.

Approved January 24, 1846.

CHAPTER 62.

AN ACT to repeal the law limiting the number of Justices of the Peace of Simpson county to ten.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the 4th section of an act, entitled, an act to authorize the appointment of an additional Magistrate in the county of Owen and for other purposes, approved, February 2d, 1844, which section limits the number of Justices of the Peace in Simpson county to ten, be and the same is hereby repealed, and that the former laws upon the subject of Justices of the Peace in Simpson county, be and the same are hereby revived.

Approved January 24, 1846.

CHAPTER 64.

AN ACT to allow an additional Constable to the county of Wayne.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an additional Constable be allowed to the county of Wayne, who may reside in the neighborhood of C. L. Hickinbottom, Esq.

Approved January 24, 1846.

CHAPTER 65.

AN ACT for the benefit of Hiram Begley.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act for the benefit of Hiram Begley, of Perry county, approved January 23d, 1845, be and the same is hereby extended, for and during the term of two years.

Approved January 24, 1846.

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## CHAPTER 66.

AN ACT to change the names of George W. and Thomas J. Gollaher.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the names of George Washington and Thomas Jefferson Gollaher, be and the same are hereby changed to George Washington and Thomas Jefferson Drane, and shall be known and styled accordingly.

Approved January 24, 1846.

## CHAPTER 67.

AN ACT for the benefit of the late Sheriff of Casey county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the further time of two years be allowed Thomas Jones, late Sheriff of Casey county, to collect by distress or suit his revenue tax and county levies.

SEC. 2. *Be it further enacted,* That the further time of two years be given James Heard and Albert G. Waggener, late Sheriffs of Cumberland county, to collect by distress or suit their revenue tax and county levies.

Approved January 29, 1846.

## CHAPTER 68.

AN ACT to change the name of William Oden Smith, to that of William Markham Oden Smith, and to change the name of Ephraim Pendleton.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the name of William Oden Smith, be and the same is hereby changed to that of William Markham Oden Smith, and shall hereafter be known and called by the latter name.

SEC. 2. *Be it further enacted,* That the name of Ephraim Pendleton, step son of John Hutchison, be and the same is hereby changed to that of Ephraim Pendleton Hutchison.

Approved January 29, 1846.

## CHAPTER 69.

AN ACT to reduce the price of unappropriated land in Madison county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the County Court of Madison county shall have power and authority to reduce the price of the vacant and unappropriated land in said county to four dollars per hundred acres.

SEC. 2. That the money arising from the sale of said land, be and the same is hereby appropriated to the clearing out and improving a road, which shall be opened under the direc-

1846.

tion of the County Court of Madison, from the settlement on Indian Creek, in said county, to some point on the State or Wilderness road in crossing the Big Hill, in said county. The proceedings for the establishment and opening said road to be had according to the laws now in force for the establishment of roads: *Provided*, said court shall be of opinion that it would be to the interest and advantage of said county to appropriate the money, arising from the sale of said land, to the clearing out and improving said road.

Approved January 29, 1846.

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CHAPTER 70.

AN ACT for the benefit of Milton King, Clerk of the Cumberland County and Circuit Courts.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Milton King, Clerk of the Cumberland Circuit Court, be and he is hereby authorized to execute his official bond at the next Spring term of said court, which shall have the same effect as if he had executed said bond at the last Spring term, and if he shall execute bond as above provided for, he shall be released from any penalty to which he may have subjected himself by reason of his failure to execute bond as required by law.

SEC. 2. *Be it further enacted*, That the act of the Cumberland County Court, at the last November term, receiving and recording the official bond of Milton King, Clerk of said court, be and the same is declared to be legal, as though the same had been done at the time prescribed by law: *Provided*, said bond shall be acknowledged and re-delivered by said Milton King and his securities, as their act and deed, and such acknowledgment and re-delivery entered upon the records of said court.

Approved January 29, 1846.

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CHAPTER 71.

AN ACT for the benefit of the Sheriff of Perry county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John Morgan, Sheriff of Perry county, be allowed until the first day of May next to pay into the Treasury the revenue of said county for the year eighteen hundred and forty five: *Provided*, the securities of the said Sheriff shall give their consent in writing, attested by the Clerk of the County Court, to this indulgence, and file the same with the Second Auditor.

Approved January 29, 1846.



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## CHAPTER 72.

AN ACT for the benefit of the County Courts of Russell and Clinton.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Russell county, be and they are hereby allowed the further time of twelve months to furnish, for said county, a set of weights and measures.

SEC. 2. That the County Court of Clinton county be allowed the further time of twelve months to furnish, for said county, a set of weights and measures.

Approved January 29, 1846.

## CHAPTER 73.

AN ACT for the benefit of Richard H. Ranson.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Second Auditor be and he is hereby required to issue his warrant on the Treasury of this Commonwealth for the sum of fifteen dollars and seventy four cents in favor of Richard H. Ranson, and the Treasurer is hereby directed to pay the same, being the amount of damages collected on certain lands forfeited in Lewis county, while out of his possession.

Approved January 29, 1846.

## CHAPTER 74.

AN ACT for the benefit of Smith Wingate and Charles Horsman, and W. D. Mitchell, Clerk of the County and Circuit Courts of Oldham county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the further time of twelve months, from and after the passage of this act, be allowed Smith Wingate and Charles Horsman, Deputy Sheriffs of Elisha Cobb, formerly Sheriff of Owen county, to collect all fee bills, taxes, and revenue, which are now in their hands, that have not been collected.

SEC. 2. That W. D. Mitchell, Clerk of the Circuit and County Courts of Oldham county, be allowed to issue his fee bills for the years 1840 and 1841, which are yet due and unpaid, and to cause the same to be collected by distress or otherwise.

Approved January 29, 1846.

## CHAPTER 75.

AN ACT for the benefit of the County Court of Livingston county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Livingston county be and they are hereby allowed the further time of two years, from and after the passage of this act, wherein

to provide a set of standard weights and measures, as now required by law.

1846.

SEC. 2. *Be it further enacted*, That the County Court of said county shall have power, if they think proper so to direct, to apply the moneys now in the hands of their Treasurer, arising from the sales of vacant lands in said county, or which may hereafter come to his hands from the same source, to the building and completing of a jail and other public buildings in said county, instead of the improvement of the roads in said county, as heretofore required by law.

Livingston.

SEC. 3. *Be it further enacted*, That the time of twelve months be allowed the County Courts of Wayne, Union, Todd and Lawrence counties, to procure a set of standard weights and measures.

Wayne,  
Union, Todd,  
and Lawrence.

SEC. 4. *Be it further enacted*, That the County Court of Pendleton county may appropriate any money now in the hands of the Treasurer of said county, arising from the sales of vacant lands in said county, or which may come into his hands, or be due from him as Treasurer aforesaid, to aid in the erection of a new Court House in said county.

Pendleton.

Approved January 29, 1846.

#### CHAPTER 76.

AN ACT divorcing Thomas Watson from his wife, Amanda Watson, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Thomas Watson be and he is hereby divorced from his wife, Amanda Watson, and he is restored to all the rights and privileges of a single man.

SEC. 2. That Amanda M. Watson be and she is hereby divorced from the said Thomas Watson, and the marriage between George W. Newman and Amanda M. Watson be and the same is hereby legalized.

Approved January 29, 1846.

#### CHAPTER 77.

AN ACT in relation to keeping the public roads in Clarke and Todd counties in repair.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter it shall be the duty of the surveyors of the public roads in the counties of Clarke and Todd, when any one of them shall employ any person to furnish ploughs, teams, or materials on the road, to appoint two housekeepers of the neighborhood, who, being first sworn, shall affix what they consider a fair valuation for the same; and the County Court of said counties, when such claim is presented to them, shall allow it, and make appropriation for the payment thereof.

1846.

**SEC. 2.** *Be it further enacted,* That all acts or parts of acts, coming within the purview of this act, be and the same are hereby repealed.

**SEC. 3.** *Be it further enacted,* That the County Court, upon the presentation of any such claim to them, may, in their discretion, hear such evidence as shall be presented to them at the time said claim shall be presented, and make such allowance as justice may require.

Approved January 29, 1846.

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CHAPTER 78.

AN ACT for the benefit of John Young, Surveyor of Greenup county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That John Young, Surveyor of Greenup county, be and he is hereby allowed until the first Monday in August next to renew his official bond.

Approved January 29, 1846.

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CHAPTER 79.

AN ACT to place the State road leading from Moss's Ferry, on the Tennessee river, to Waidsboro', under the control of the Marshall County Court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the State road leading from Moss's Ferry, on the Tennessee river, in Marshall county, to Waidsboro', be and the same is hereby put under the power and control of the Marshall County Court; and said court shall have power to keep said road open not exceeding twenty feet wide, and to alter the same from time to time, as the court may deem proper for the public good.

Approved January 29, 1846.

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CHAPTER 80.

AN ACT to establish a Precinct at Friendship School House, in Madison county, and for other purposes.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an election precinct be and the same is hereby established at Friendship School House, in Madison county, and the County Court of said county is hereby authorized and directed to appoint Judges, Deputy Sheriff, if necessary, and a Clerk, to superintend all elections held at said precinct; and all elections to be held at said precinct, shall be governed by the laws now, or which may hereafter be, in force in this State, regulating elections.

**SEC. 2.** *Be it further enacted,* That there is hereby established, an additional election precinct in the county of Har-

din; that the place of voting shall be at the house of Richard Percifull, and the County Court of said county shall appoint the necessary officers to conduct all elections at said precinct, who shall be governed by the laws now in force in relation to elections.

1846.

Approved January 29, 1846.

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CHAPTER 81.

AN ACT to change the places of voting in Election Precincts in the counties of Breathitt and Clay.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, hereafter, the election precinct established in Breathitt county, at Roger Turner's, shall be held at Samuel Spicer's, in said county.

SEC. 2. That the election precinct established in the county of Clay, at the mouth of the Rock House, shall hereafter be held at the house of William Begley, Jr., in said county.

Approved January 29, 1846.

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CHAPTER 82.

AN ACT to legalize certain proceedings of the 20th Regiment, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the proceedings of a meeting of a majority of the Captains of the 20th Regiment of Kentucky Militia, convened in the capacity of a Court of Assessment, on the 17th day of December, 1845, be and the same is hereby declared as valid to all intents and purposes as if the same proceedings had been had on the 1st Monday in November of said year.

SEC. 2. *Be it further enacted*, That it shall be lawful for B. Wade, former Sheriff of Todd county, or either of his deputies, to return to the Court of Assessment, on the first Monday in November next, the delinquent list of muster fines for the years 1842 and 1843.

SEC. 3. *Be it further enacted*, That the proceedings of the Court of Assessment, for the 36th Regiment of Kentucky Militia, held on the third Thursday in October, 1844, be and the same are hereby legalized.

Approved January 29, 1846.

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CHAPTER 83.

AN ACT for the benefit of Daniel O'Neal and Sarah Graham.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the County Court of

**1846.** Lewis county, to appropriate such sums of money as they may deem expedient, for the support of a crippled son of Daniel O'Neal of said county; and also, to appropriate such sums of money as they may think advisable, for the support of Sarah Graham of said county.

Approved January 29, 1846.

#### CHAPTER 84.

AN ACT to prevent the sale of spirituous liquors within the Town of Lagrange, and one mile therefrom.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall not be lawful for any person living in the town of Lagrange, or within one mile thereof, to whom license to keep tavern may hereafter be granted, to sell, by retail, any spirituous liquors, wines, or other intoxicating drinks.

SEC. 2. That, hereafter, it shall not be lawful for the County Court of Oldham, to license any person within the limits aforesaid, to sell, by retail, any liquors, wines, or other intoxicating drinks. That all bouds hereafter given by persons living within said limits, to keep tavern, shall contain a stipulation inhibiting the sale of such articles.

Approved January 29, 1846.

#### CHAPTER 85.

AN ACT to incorporate the Town of Hillsboro', in the county of Fleming.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town of Hillsboro', in the county of Fleming, which has been laid out and defined by the following boundary, viz: Beginning at a stone in the lot of A. G. Day; thence North, eighty poles, to a stone in E. H. Emmons' lot; thence East, sixty poles, to a stone in another lot of said Emmons; thence South, eighty poles, to a stone in Levi Hedges' lot; thence West, to the beginning, shall be and the same is hereby established, and shall be known and called by that name.

Boundary.

SEC. 2. That Henry Pickrel, Simpson Riggen, David R. Hedges, Edmund H. Emmons, and Daniel S. Barksdale, be and they are hereby appointed Trustees of said town, and shall continue in office until the first Saturday in January next, and until their successors are duly elected and qualified; and on the said first Saturday in January next, and on the same day in each year thereafter, the free white male citizens of said town, who have attained the age of twenty one years, and have resided in said town for six months previous to the election, and those who may own lots therein, but do not

Trustees, &  
how their suc-  
cessors are to  
be appointed.

reside therein, shall meet at some convenient place in said town, to be designated by the Trustees in office, and elect five Trustees for said town, who shall continue in office for one year, and until their successors are elected and qualified. Said Trustees, and their successors, shall be and are hereby declared a body politic and corporate, by the name and style of the Trustees of the town of Hillsboro', and by that name and style may sue and be sued, plead and be impleaded, in all courts and places, and may have and use a common seal. No person shall be eligible to the office of Trustee of said town who is not the owner of real estate therein, and hath been a resident thereof for one year previous to his election.

1846.

Trustees created a body politic.

SEC. 3. That said Trustees, and their successors, shall have power to levy and collect a poll tax from the citizens of said town, subject to a county poll tax, not exceeding one dollar and fifty cents from each; and an ad valorem tax on the property in said town, now subject to taxation by the revenue laws of this State, not exceeding fifty cents on each hundred dollars worth of property: and shall have power to appoint an Assessor, Collector, Clerk and Treasurer, and such other officers as they may deem necessary and proper, and shall have power, by ordinances and by-laws, to be passed by them, to prescribe and define the duties of all such officers; may fix their salaries, prescribe the tenure of their offices, and require of them bonds, with security, for the faithful discharge of the duties of their respective offices.

May levy & collect a tax.

Appoint officers, and define their duties.

SEC. 4. That the said Trustees, and their successors, shall have power to pass by-laws and ordinances, to prevent all disorderly conduct in said town, and the same may be enforced by warrant before any Justice of the Peace for Fleming county, to be executed by any Constable thereof: *Provided*, such by-laws and ordinances shall not be contrary to the Constitution and laws of this State.

May pass by laws.

SEC. 5. That said Trustees, and their successors, shall have power to make contracts for the improvement of said town, in such manner as they may think proper, and pay for the same out of the funds raised by them by taxation, in pursuance of the provisions of this act; and shall have power to do and perform all such acts and things as shall be deemed necessary and proper for the well being and good government of said town and its citizens.

May make contracts for the improvement of the town.

Approved January 29, 1846.

#### CHAPTER 86.

AN ACT for the benefit of Gideon S. and Susan Mary Mims, infant heirs of Gideon Mims, deceased.

WHEREAS, It is represented to the present General Assembly, that Preston Brown, late guardian for Gideon S. and Su-

1846.

san Mary Mims, became greatly embarrassed in his pecuniary circumstances—that he surrendered his guardianship, and Jesse Smith was appointed his successor by the Todd County Court at its October Term, 1844; and by a settlement made with said Brown, he was found indebted to said infants, the sum of \$1,585 38 cents; and to secure the payment of which, said Brown executed a mortgage on the following named slaves, to-wit: Scott, a man about 30 years old; America, a woman about 17 years old and her female child Mary Jane about one year old. And it is represented, that it would be greatly to the benefit of said infants that their guardian be authorized to purchase or receive said slaves at a fair valuation in part payment for their claim against their former guardian. Therefore:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for Jesse Smith, guardian for said Gideon S. and Susan Mary Mims, to present his petition to the Todd Circuit Court, verified by his oath, setting forth all the facts and circumstances connected with the claim of his wards against their former guardian; and if said court shall be of the opinion, under all the circumstances, it would be to the advantage of said infants that said slaves should be received from said former guardian, at a fair valuation, in part payment of the said debt, an order to that effect may be entered by said court; and said court shall then appoint four disinterested house keepers of Todd county, any three of whom may act, after being first sworn, to value said slaves; and upon their delivery to said Jesse Smith, with a covenant for good title, he shall allow the said Preston Brown a credit for the valuation thereof.

SEC. 2. It shall be the duty of the persons making such valuation to make a written report thereof to said Circuit Court; and if the same is approved by the Court, said report shall be recorded by the Clerk thereof; and thereupon the title to said slaves shall be vested in the said infants, and to be held by said Jesse Smith as their guardian.

SEC. 3. *And be it further enacted*, That if the said slaves herein mentioned shall not be of value sufficient to pay the whole demand of said wards against their former guardian, the present guardian is hereby authorized to receive other slaves to the full value of said debt, by pursuing the course indicated in the first and second sections of this act; and any slaves, so received, shall belong to said infants, and held by said Smith as their guardian, as aforesaid.

Approved January 29, 1846.

CHAPTER 87.

1846.

AN ACT to amend the charter of the Agricultural Society of Bourbon county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the fifth section of an act, entitled, an act to incorporate the Bourbon County Agricultural Society, approved February 16th, 1838, be so amended as to authorize the President and Vice Presidents thereof, and their successors in office, to perform the duties imposed upon them as specified in said act, and the several sections thereof, and shall hold and take as provided in said act.

Approved January 29, 1846.

CHAPTER 88.

AN ACT to change the State road from Paducah to Gray's Ferry on the Tennessee river.

WHEREAS, It is represented to this General Assembly, that the State road leading from Paducah, in McCracken county, to Gray's Ferry on the Tennessee river, in Marshall county, does great injury to the land of Littleton Hellums, who prays for a change in the same for one mile and a half, commencing opposite the dwelling house of John Brian, and to intersect said road at Heath's old field. Therefore :

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the proposed change be and the same is hereby made and established.

Approved January 29, 1846.

CHAPTER 89.

AN ACT to change the place of voting in the lower precinct, in Spencer county, from the House of Edrington Collins to McGrew's mill house in Waterford.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the place of voting in the lower precinct in Spencer county, shall hereafter be at McGrew's mill house in Waterford, instead of at the house of Edrington Collins.

Approved January 29, 1846.

CHAPTER 90.

AN ACT to establish an additional election precinct in Lawrence county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be an additional election precinct established in Lawrence county, and the place of voting in said precinct, shall be at the house of Joshua Jones, on Rockcastle creek, in said county.

Approved January 29, 1846.



1846.

## CHAPTER 93.

AN ACT to establish an election precinct in Laurel county; at the house of William McHargue, on Big Robertson's creek.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there is hereby established an election precinct in the county of Laurel, at the house of William McHargue, on Big Robertson creek.

Approved January 29, 1846.

## CHAPTER 94.

AN ACT to allow an additional Justice of the Peace to Carter county, and for other purposes.

WHEREAS, it is represented to the present General Assembly, that the people residing on the Buffalo Fork of Tigert's creek, and its waters, in the neighborhood of Owen McGlous, in the county of Carter, are desirous of having an additional Justice of the Peace to reside therein: Therefore:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be allowed to Carter county one additional Justice of the Peace.

SEC. 2. *Be it further enacted,* That an additional Justice of the Peace be allowed to Bath county, who may reside in the neighborhood of Peeled Oak.

Approved January 29, 1846.

## CHAPTER 95.

AN ACT to incorporate the town of Mount Eden, in Spencer county, and for other purposes.

WHEREAS, it is represented to the present General Assembly, that a town, called Mount Eden, has been for several years laid out within the present limits of Spencer county, and near the line between Spencer and Shelby; that said town has never been legally established, nor a plan or plat thereof recorded; that the lots have all been sold and improved more or less, and that the further improvement of the town is retarded for the want of more lots, as well as for the want of a regular system of police regulations. For remedy whereof:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the town of Mount Eden is hereby established, and that Alexander Harcourt, George A. Hickman, Josiah Long and M. L. Hudson, or any three of them, be and they are hereby appointed Commissioners to lay off the same into suitable squares, lots, streets and alleys, who shall conform to the present plan of said town as much as practicable, having due regard to the rights of property, and shall lay off such additional streets and alleys, squares and lots, as they, in conjunction with the owners of the land, shall

Commissioners to lay off lots, streets & alleys.

think advisable: *Provided*, that in laying off said streets and alleys, they shall, as much as practicable, lay them off upon the dividing lines of the present lots and lands, adjoining, to the end that the ground necessary for public use shall be taken off of proprietors as equally as may be. And the said Commissioners shall, within      days after completing the said survey, cause a plan or plat of the same to be forwarded to the Clerk of the Spencer County Court, who shall record the same at the expense of the Trustees, hereafter provided for.

SEC. 2. The plat of said town having been first recorded, the qualified voters residing within its limits, and those owning lots within its limits, residing out of it, shall, on the second Monday in April next, and on the same day every year succeeding, under the direction of a Justice of the Peace for the first election, and the Chairman and Clerk of the Board of Trustees subsequently, three days notice being previously given, proceed to elect five suitable persons as Trustees of said town, who, after being sworn before a Justice of the Peace to perform the duties of the office faithfully, shall continue in office one year, and until their successors are duly qualified.

SEC. 3. That the Trustees may appoint one of their own body as Chairman, who shall preside over their meetings, keep order, &c., sign the records of their proceedings, call a meeting of the Board at any time, and shall continue in office at the discretion of the Trustees. He shall appoint a Clerk, who shall perform the duties imposed on him by the Board, and continue in office at their discretion. The said Trustees and their successors shall be a body politic, and by the name and style of the Trustees of the town of Mount Eden, may contract and be contracted with, sue and be sued, plead and be impleaded, in courts of law or equity within this Commonwealth: and the said Trustees are vested with power to pass all by-laws and ordinances necessary for the improvement, regulation, well being and advancement of the interest and morals of said town: *Provided*, the same do not conflict with the Constitution and Laws of this Commonwealth.

SEC. 4. That said Trustees shall be and are hereby authorized to receive, by purchase or donation, any lot or lots of ground in and near said town, for the purpose of erecting a market-house, school-house, or any other necessary public building, and may order, provide for, and contract for the erection of the same; and they shall have power to assess a poll tax on the legal tytheables of said town, not exceeding fifty cents on each, and an advalorem tax on the real, personal, and mixed estate within said town, that is now taxed by the revenue laws of this Commonwealth, not exceeding fifty cents on each one hundred dollars worth of property: they shall have power to contract for the digging and improving of wells or springs, the grading and improving the streets and alleys, and the paving of side-walks in said town: to collect from the owners or managers of all exhibitions of animals, and shows of

1846.  
1846  
Plan of town to be recorded in Spencer County Court.

Citizens to elect five Trustees on the 1st Monday in April each year.

Trustees to be sworn, and to continue in office one year.

Trustees may appoint a Chairman, who shall appoint a Clerk.

Name & style of corporation.

May sue and be sued, &c.

May pass by-laws and ordinances.

Trustees may contract for building a market-house, &c.

May assess a tax on tytheables and real & personal estate, shall have power to contract for the digging of wells, &c., the grading & paving of the streets.

May tax shows, &c.

1846.

Trustees shall have power to pass by-laws to suppress horse-racing, shooting, and other disorderly conduct.

every description, within the limits of said town, any amount not exceeding twenty dollars for each show or exhibition; and they shall have power to pass by-laws to suppress horse-racing and shooting within the limits of the town, and to prevent all other disorderly conduct or practices within the same; and for a breach of any of the by-laws and ordinances, said Trustees shall have the right to maintain an action to recover a fine of not less than one dollar nor more than twenty dollars therefor, against any person or persons so offending, before any Justice of the Peace within this Commonwealth: and all fines and forfeitures that shall be recovered, and all taxes that shall be assessed and collected by the said Trustees, shall be by them appropriated in the purchase and improvements before directed.

Trustees to appoint an assessor.

SEC. 5. That the said Trustees shall have power to appoint an assessor annually, who shall be sworn to the faithful performance of his duty: it shall be the duty of said assessor to make out and furnish to the Trustees, at such time as they may appoint, lists of taxable property of each individual in said town, with the value attached thereto, and also a list of the lots, and the value thereof, which belong to individuals who do not reside in said town. Said Trustees shall also have power to appoint a Marshal, whose duty it shall be to collect the taxes assessed on the taxable property and tythes in said town. He shall take an oath for the faithful performance of the duties devolving upon him as Marshal aforesaid, and shall give bond and approved security to the Trustees of said town for the faithful discharge of his duties: and in the performance of his duty as collector, he may distress, as Sheriffs of this Commonwealth under the revenue laws now do; and the said Marshal shall pay over to the Chairman of the Board of Trustees, or their order, all moneys collected by him to which said Trustees are entitled.

Trustees shall appoint a Marshal, who shall give bond.

Marshal to pay over to order of Trustees all moneys collected by him.

Trustees to fill all vacancies in office.

SEC. 6. That, should the office of Trustee, Clerk, Assessor, or Marshal for said town become vacant by death, removal, resignation, or any other cause whatever, it shall be the duty of a majority of the Trustees remaining in office to fill such vacancy, and the person by them appointed shall continue in office until the ensuing annual election.

Trustees have power to extend the limits of said town.

SEC. 7. That the Trustees of said town shall have power to extend the limits of said town, provided the owners of the lands adjoining said town shall give their consent thereto in writing, which consent shall be recorded in the office of the Clerk of the County Court of Spencer.

For all riots, breaches of the peace, &c., in Frankfort, the jury may assess a fine of \$100,

SEC. 8. *Be it further enacted*, That the act, entitled, "an act to reduce into one the several acts in relation to the town of Frankfort, and for other purposes," approved February 16, 1839, be and the same hereby is amended as follows, that is to say:

1st. In all prosecutions for riots, routs, and breaches of the peace, committed within the limits of the town of Frankfort,

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had before the Police Judge of said town, or a Justice of the Peace, the jury empannelled to try the case may assess a fine against each defendant for any sum not exceeding one hundred dollars, which may be discharged by confinement in the county jail, at the rate of two dollars for every day of imprisonment.

2d. To insure uniformity in the measurement of coal and fire wood, and protect its citizens from impositions in the sales of those articles, the Trustees of said town are hereby authorized to appoint an inspector of coal and fire wood, and regulate, by suitable by-laws, the mode of measurement, by declaring what number of cubic inches shall constitute a bushel of coal, and the number of square feet which shall constitute a cord of wood. Said Trustees may prescribe such penalties, by fines, for violations of the by-laws herein authorized to be made, as they may deem proper, recoverable before the Police Judge of said town: *Provided*, that not more than five dollars shall be inflicted for any one violation thereof.

SEC. 9. *Be it further enacted*, That the citizens of Feliciana be and they are hereby authorized to hold elections for Trustees of said town on the first Monday in March, instead of the time now fixed by law; said elections to be conducted, in all other respects, as directed by the act incorporating said town.

SEC. 10. *Be it further enacted*, That the law requiring taxes to be paid twenty days before any elections in the city of Lexington, in order to entitle a citizen to vote, as previously provided by law, be and the same is hereby repealed.

SEC. 11. *Be it further enacted*, That the Trustees of the town of Elizabethtown be authorized to employ a competent surveyor to lay off the said town, and to plant stones at the corners of the extensions of said town; also, to lay off and describe the public square, streets and alleys, so as to give size and width, and to establish such objects as may be necessary for starting points, in order to find the location of any of the lots, streets or alleys of said town in all future time; and when the report is made and approved of by the Board of Trustees, that the same be returned to the County Court for record.

SEC. 12. *Be it further enacted*, That whenever the owner of any land within the bounds of the late extension of said town shall wish to lay off the same into lots, streets and alleys, that they be permitted to do so, under the approval of the Board of Trustees, and that whenever the owner of such additional lots shall bring them or a portion of them into market, that then the streets and alleys, to the extent of the lots sold, shall be opened by order of the Trustees of said town free of charge, so far as to permit passing to and from the lots so brought into market, and the title to such streets and alleys shall be vested in the Trustees of said town.

SEC. 13. *Be it further enacted*, That the Trustees of said town shall have power to open streets and alleys, throughout

which may be discharged by confinement in the county jail.

The Trustees may appoint an inspector of wood and coal, and may prescribe a penalty for violating the by-laws herein authorized.

Citizens of Feliciana authorized to hold an election for Trustees first Monday in March.

Law requiring a citizen to pay tax 20 days before election to entitle him to vote repealed.

Trustees of Elizabethtown authorized to employ a surveyor to lay off said town & to make report.

The Trustees may extend the streets and alleys of said town when new lots are brought into market.

When the streets and

1846.

alleys are extended, the owners of ground to be paid for same, the value to be fixed by a jury.

the whole extension of said town, by paying the owners of the ground the value thereof, to be assessed by a jury; and in opening streets and alleys through the addition to said town, the shape of lots and courses of streets and alleys may be varied from the present streets, &c., so as to suit the situation of the ground: *Provided*, a due regard is had to private rights and interests.

SEC. 14. *Be it further enacted*, That any expenses which may be incurred in carrying into execution the provisions of any of the three last named sections of this act, shall be raised by a tax on said town, upon the *advalorem* principle.

Approved January 29, 1846.

#### CHAPTER 96.

AN ACT to allow an additional Justice of the Peace to Lawrence county, and for other purposes.

WHEREAS, It is represented to the present General Assembly, that the people residing on Big Blain creek and its waters, in the neighborhood of John Ferry's, in Lawrence county, are desirous of having an additional Justice of the Peace to reside in that neighborhood. Therefore:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be allowed to the county of Lawrence one additional Justice of the Peace.

SEC. 2. *Be it further enacted*. That an additional Justice of the Peace be allowed to the county of Fayette, who may reside in or within one mile of the town of Athens, in said county.

SEC. 3. *Be it further enacted*, That an additional Constable, be and is hereby allowed the county of Graves, who may reside in Feliciana.

SEC. 4. *Be it further enacted*, That an additional Justice of the Peace be allowed to the county of Green, who may reside in the town of Greensburg.

SEC. 5. *Be it further enacted*, That an additional Constable be allowed to the county of Morgan, who may reside on or within one mile of Little Sandy, in said county.

Approved January 29, 1846.

#### CHAPTER 97.

AN ACT to provide for the erection of a Marine Railway in the town of Hickman, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the President and Board of Trustees of the town of Hickman, in the county of Fulton may erect in or near said town a Marine Railway for the dockage and repair of vessels, steam boats, and all water crafts and said President and Board of Trustees may appoint all ne;

Trustees of the town may erect railway.

1846.

Make by-laws to regulate same, &c.

cessary officers and agents needed in the care and management of said Marine Railway, and in the repair of vessels, steam boats, and other water crafts, on said Marine Railway; and may pass all such by-laws, rules and regulations as they may deem right and proper, for the management of the fiscal and prudential concerns of said Marine Railway, and all establishments appurtenant thereto; and may fix, ascertain and determine upon the price to be paid by all vessels, steam boats and other crafts, for the use of said Railway and Dock; and said President and Board of Trustees may make all and every contract they may deem right and proper in the management of said Railway, and may contract for and purchase all the necessary timber, lumber, iron, and other materials necessary to the building and completion of said Railway, and may lease any lot or piece of ground, or purchase, hold, or use any piece of ground they may deem necessary to the use of the Railway, and take bond, with security, in such penalty, and with such condition as they may think proper, from any of the officers or agents they may appoint; and for a breach of the condition of any such bond, said President and Board of Trustees, by their corporate name and style, may put the same in suit and recover thereon; and for all debts due, or demands, on account of the repair of any vessel, steam boat, or other boat, or on account of any contract or agreement made with the managers or any agent of the said President and Board of Trustees relating to the said Railway, said President and Board of Trustees as a body politic and corporate, may sue and be sued, plead and be impleaded, in all the courts of law and equity in this Commonwealth.

SEC. 2. That said President and Board of Trustees shall appoint some suitable person as a Manager of said Railway, and another as Treasurer; and it shall be the duty of the Manager to attend to the receiving of vessels upon said Railway, and he shall, in every instance, be paid all charges and dockage in advance, or before the boat shall be taken from the way; and a lien is hereby given upon every vessel, steam boat, or any other boat, for all fees the owner or master may owe for the use of said Railway: *Provided*, that if said vessel, steam boat, or other boat, is permitted and suffered to be taken from off the ways with the consent of said Manager, no lien shall any longer attach.

Manager & Treasurer to be appointed, and their duty.

SEC. 3. Said Manager shall hold his office at the will and pleasure of the President and Board of Trustees of Hickman; and before entering upon the discharge of the duties of his office, shall be required to take an oath faithfully to discharge the same.

Manager to take oath.

SEC. 4. That for the purpose of raising the funds necessary to the erection of said Marine Railway, the President and Board of Trustees of the town of Hickman are hereby authorized to raise, by loan, any sum not exceeding fifteen thousand dollars; and said President and Board of Trustees may

Trustees may raise funds & issue bonds.

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issue the bonds of said town in sums of fifty, and one hundred, and five hundred dollars, bearing an interest on their face of six per centum per annum, and payable half yearly, on the first day of January and July, in each year; and said bonds to be redeemable in any time not exceeding ten years from their date; and said President and Board of Trustees may sell and dispose of said bonds to any person, or persons, or to any corporation, but the same shall not be sold for less than their par value.

Money, how  
expended.

SEC. 5. The said President and Board of Trustees shall expend the money received by them on sale of said bonds in the construction of the said Marine Railway; and the said Railway, and all the materials, fixtures, and appurtenances, shall belong to the town of Hickman, and all the profits and dockage charges accruing therefrom, shall be, by the said President and Board of Trustees, applied to the payment of the principal and interest due, and to become due, on the said bonds; and it shall be the duty of the President and Board of Trustees aforesaid, and power and authority is hereby given them to lay, each year, such a tax on the real estate and lots in said town of Hickman, as will be sufficient, with the profits and proceeds of said Railway, to pay all the interest, as it becomes due, on said bonds, and redeem the said bonds at the time they may respectively mature and be payable.

May levy a  
tax on the  
town.

Sale of prop-  
erty for taxes  
regulated.

SEC. 6. The President and Board of Trustees of Hickman may, at any time, order a sale of any real estate or lot in said town, for the payment of any tax by them hereafter laid on real estate, or lot, or lots, in said town: and it shall be the duty of the town Marshal of said town, to advertise, on the Court House door, the times and place of sale, so ordered, at least thirty days before the day of sale; and, also, to give notice to the owner, or his or her agent, if the owner or agent reside in said town, of the amount of the tax due on said real estate, or lots; and if the tax shall not be paid to said Marshal, on or before the day of sale, he shall proceed to sell such real estate, or lots, or so much, or many of them, as will pay the town tax due thereon, and the costs of sale, to the highest bidder, for cash in hand: *Provided*, all such sales shall be made at the Court House door in said town, on a court day; and the owner, or the owners thereof, shall have the right to redeem the same at any time within one year from the time of sale, by paying the purchaser, or purchasers, the amount bid by him or them at the sale, with interest, after the rate of fifteen per cent., or depositing the same with the Clerk of the Fulton County Court, and giving notice of the deposit at the residence of such purchaser: *And, provided further*, that if any such real estate, or lots, so sold, as aforesaid, shall not have been redeemed within one year, as aforesaid, then it shall be the duty of the President and Board of Trustees of said town, to convey, by deed, to the purchaser, or purchasers, all the right, title and interest of the owner, or owners, of said real

estate, or lots, as may have been by them ordered to be sold. The bonds that may be issued and sold under the provisions of this act shall be transferrable, by assignment in writing on the back of the same, in any meeting of the Board of Trustees, and not otherwise; and it shall be the duty of the Chairman and Board of Trustees to keep a list of all bonds by them issued and sold, the date, amount, time when payable, and to whom sold, and the amount received for such bonds sold, and of the various transfers that may be made of said bonds by assignment.

1846.

Bonds transferrable, &c.

Approved January 29, 1846.

CHAPTER 98.

AN ACT to amend the act, entitled, "an act to incorporate the Louisville and Bonharbour Coal Company, approved January 28, 1833."

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the Louisville and Bonharbour Coal Company, to employ any amount of the capital of said company they may deem proper, in the erection of machinery and manufacturing purposes.

May vest any amount of capital in machinery, &c.

SEC. 3. *Be it further enacted*, That the name of said company be changed to the "Bonharbour Mining and Manufacturing Company," and hereafter the persons designated in the charter of said company as managers, shall be known and called as directors.

Style changed.

Approved January 29, 1846.

CHAPTER 99.

AN ACT for the benefit of the Idiots of Perry and Letcher counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the Second Auditor to issue his warrant on the Treasury in favor of the committee for the support of the idiots of Perry and Letcher counties for one year, from the time of the last payment, upon satisfactory proof being made to the Auditor that said idiots were alive and provided for during the time this allowance is made for, there having been no Circuit Court in those counties at the fall term, which prevented the proof from being made according to law.

Approved January 29, 1846.

CHAPTER 100.

AN ACT providing for a change of venue in the prosecution against Garret Fitzpatrick.

WHEREAS, It is represent to this General Assembly, that Garret Fitzpatrick, stands indicted in the Fayette Circuit



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Court for wounding one Waller Rodes, and that owing to the prejudice existing against him in said county, and the influence of said Rodes, he cannot have a fair trial in said court. For remedy whereof:

Venue changed from Fayette to Woodford.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for said Fitzpatrick to appear before the Judge of the Fayette Circuit Court on the first day of the next term thereof, provided said court shall be held at said term, and shall set on said first day, and if not, then on the first day that said court shall be held, at the term next ensuing the passage of this act, and on the first day that said court shall be held, and make his election to be tried in the Woodford Circuit Court; which election shall be entered upon the records of the court; and thereupon the said Fayette Circuit Court shall recognize said Fitzpatrick to appear in the Woodford Circuit Court, on the first day of the first term of said court next ensuing the date of such recognizance, to answer said indictment; and upon such indictment and such other proceedings, as may have been had thereon, being certified to said Woodford Circuit Court, that court shall take cognizance of said prosecution, and every thing pertaining thereto, in the same manner, as though the offence had been committed in Woodford county, or the indictment found by a grand jury of that county; and on said election being made, and recognizance being given, the Judge of the Fayette Circuit Court shall recognize the witnesses, as well on the part of the Commonwealth as on the part of said Fitzpatrick (if they or any of them shall be in court) to appear in said Circuit Court of Woodford county, to give evidence on the trial of said indictment; and the Woodford Circuit Court shall have full power to proceed and act on said recognizances, in the same way, as though said recognizances had been entered into in said Woodford Circuit Court; and in case the said indictment shall be ruled bad on demurrer, or shall be quashed on motion, the said Fitzpatrick shall not be discharged, but a grand jury may, on motion of the Attorney prosecuting for the Commonwealth in said Woodford Circuit Court, be forthwith empanelled and sworn, if the regular grand jury shall have been discharged, and a new indictment found, if the evidence will warrant the same, and the said Fitzpatrick may be tried thereon, in said Woodford Circuit Court, as though the offence had been committed within the jurisdiction of said Woodford Circuit Court.

SEC. 2. The Clerk of the Fayette Circuit Court, upon the election having been made and recognizances given, by said Fitzpatrick, as herein provided for, shall transmit, by some safe conveyance, the indictment and other papers, with a transcript of all the orders of said Fayette Circuit Court, made in said case, duly certified as full, true and complete, to the Clerk of the Woodford Circuit Court, and the Clerk of the Woodford Circuit Court shall receipt for the same.

SEC. 3. That the witnesses attending the trial in the Woodford Circuit Court, shall receive the same for their attendance and mileage as is allowed by law to witnesses in other like cases.

1846.

Approved January 29, 1846.

## CHAPTER 101.

AN ACT for the benefit of Louisa Ann Coleman, and Charles H. Kenner and Marcus M. Kenner.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for Robert Coleman, Louisa Ann Coleman, his wife, late Louisa Ann Kenner, widow of Joseph Kenner, deceased, and Claudius Tompkins, guardian to Charles Henry Kenner and Marcus Marcellus Kenner, infant children and devisees of said Joseph Kenner, deceased, to file their bill or petition in Chancery in the Christian Circuit Court, and shall state, in said bill or petition, that it is necessary and proper, and would be to the interest and advantage of the said Louisa Ann Coleman, and the said Charles Henry Kenner and Marcus Marcellus Kenner, infant children and heirs of said Joseph Kenner, deceased, to divide the land and slaves between the said Charles H. Kenner and Marcus M. Kenner, infant children aforesaid, and the said Louisa Ann Coleman, late Louisa Ann Kenner, widow of said Joseph Kenner, deceased, that the said Joseph Kenner died seized and possessed, and the increase of said slaves since, if any; and shall file, with said bill or petition, the will of said Joseph Kenner, deceased, and shall make the said Charles Henry Kenner and Marcus Marcellus Kenner, parties to said bill or petition, who shall be legally brought before the court, and a guardian *ad litem* shall be appointed for said infant children, who shall answer for them; and said bill or petition shall be verified by the oath of said Louisa Ann Coleman and Claudius Tompkins; and if said court, from the exhibits filed, and proof which may be made in court, by deposition, shall be of opinion that a division of said estate would be to the interest and advantage of the said Louisa Ann Coleman and her children, the said Charles H. Kenner and Marcus M. Kenner, infant heirs aforesaid, he may decree such division, and shall appoint, by said decree, two or more discreet and suitable persons, Commissioners, who shall be authorized and directed, after being first sworn, to lay off and divide the land and slaves and personal estate, equally, between the said Louisa Ann Coleman, late Louisa Ann Kenner, and the said Charles H. Kenner and Marcus M. Kenner, and allot to the said Louisa Ann Coleman the third of said estate, which she is to hold and enjoy as her dower in said estate, according to the laws now in force in relation to dower; and upon entering said decree, the guardian of said infant children and

May file bill  
in chancery.

Court may  
decree division of land and  
slaves.

1846.

heirs, or in any case they shall have no guardian at that time, the court shall appoint a guardian, who shall enter into bond, with good security, to be approved by the court, in at least double the amount in value said infants may be entitled to under said division, payable to them severally the portion that each may be entitled, on the arrival of each of them to the age of twenty one years.

Approved January 29, 1846.

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CHAPTER 102.

AN ACT for the benefit of John Thomas.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the County Court of Adair county, to levy, annually, any sum they may deem necessary, for the support and maintenance of John Thomas, without requiring him to be kept at the Poor House in said county, and direct the same to be paid to any person the court may select for his use and support, so long as he may continue to live in said county, and may be unable to support himself.

Approved January 29, 1846.

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CHAPTER 103.

AN ACT for the benefit of Joseph A. Radford and Louisa J. Radford.

**Preamble.** WHEREAS, it is represented to the General Assembly, that Joseph A. Radford married Mary B. Seargeant, daughter of Andrew H. Seargeant, by whom he had two children, one a girl, named Louisa J. Radford, and the other a boy, named John H. Radford; and said Andrew H. Seargeant departed this life, after having devised that his property should be equally divided among his children; and Mary B. Radford, the wife of said Joseph A. Radford, died before any division of said property was made; and after her death, Commissioners appointed by the Christian County Court, allotted to the widow of said Andrew H. Seargeant her dower, and to said Joseph A. Radford the portion of land that his children were entitled to, consisting of 117½ acres; and that John H. Radford also departed this life after the death of his mother, and that said Joseph A. Radford has sold the 117½ acres of land, and the interest of his child, Louisa J. Radford, in the widow's dower, for the sum of one thousand eight hundred dollars, and is willing, for and in consideration of the proceeds of said sale, to convey to his daughter one hundred and fifty acres of land, of better quality, adjoining his farm where he now resides, and that it will be to the interest of said infant to confirm said sale, and so invest the proceeds. Therefore:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the said Joseph A. Radford to file his petition in the Christian Circuit Court, setting forth a description of the land sold by him, and that proposed to be conveyed to his daughter, and the advantages that will result to her by the exchange, and he shall make his daughter a party to said petition, who shall be legally brought before the court, and have a guardian *ad litem* appointed to answer for her; and if said court, from the exhibits filed and proofs which may be made in court by depositions, or affidavits, shall be of opinion that it would be to the interest and advantage of said infant, he may make a decree ratifying and confirming the sale made by said Joseph A. Radford, and vesting the proceeds in said one hundred and fifty acres of land adjoining said Radford's farm, or other real estate, or he may make a decree authorizing and directing a sale of the lands of said infant, and that the proceeds be vested in other lands; and the court, in said decree, shall appoint a Commissioner to make a deed to the purchaser, if the sale made by said Radford be confirmed, or if a sale be ordered, to make the sale and convey the property to the purchaser, which deed shall be acknowledged and approved in open court, and shall be certified to the Clerk of the Christian County Court for record.

1846.

May file petition.

Court may make decree confirming the sale.

Approved January 29, 1846.

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CHAPTER 104.

AN ACT to authorize the committing of criminals in Scott county, to the Jails of the adjoining counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That until the County Court of Scott county shall have erected a county Jail, it shall and may be lawful for the Justices of the Peace of said county, when it shall become necessary to commit any person or persons to Jail for safe keeping, to issue their mittimus, directed to the Jailer of either of the counties of Fayette, Bourbon, Franklin or Woodford, and the Jailers of said counties are hereby directed to receive said prisoner, or prisoners, and him or them safely keep until he or they are demanded by the proper authority.

Approved January 29, 1846.

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CHAPTER 105.

AN ACT to amend an act, entitled, an act to reduce into one the several acts regulating the town of Nicholasville, approved February 12, 1836.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all the powers, rights and jurisdiction that are given to Justices of the Peace for the county of Jessa-

1846.

mine, residing in the town of Nicholasville, by an act, entitled, an act to reduce into one the several acts regulating the town of Nicholasville, approved February 12, 1836, be and the same are hereby conferred upon and given to each of the Justices of the Peace in and for the county of Jessamine.

Approved January 29, 1846.

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CHAPTER 106.

AN ACT to amend the charter of the Firemans' Insurance Company of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the thirteenth section of the act to incorporate the Firemans' Insurance Company of Louisville, approved the 22d day of February, 1834, be so amended as to authorize and empower the said Insurance Company to make insurance on all kinds of goods, wares, merchandise, and every description of property, to and from all foreign ports, and ports in the United States of America, and from any one foreign port to any other foreign port.

Approved January 29, 1846.

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CHAPTER 108.

AN ACT for the benefit of the Marine Railways in the town of Paducah.

May obtain  
certain lots by  
paying their  
value.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Chairman and Board of Trustees of the town of Paducah, may, by petition, apply to the McCracken Circuit Court for a summons to issue against the owners of lots, numbers 21, 22, 23 and 24, in said town, on which are constructed the Marine Railways, to appear on a day named in said summons, and introduce evidence of the value of said lots, and show cause why the title to said lots should not be vested in said Chairman and Board of Trustees, upon the payment of the value of said lots, to be ascertained by a jury.

Jury to as-  
certain value  
of lots.

SEC. 2. That, upon the return of said summons executed, or if either of the parties be returned by the Sheriff, no inhabitant of the Commonwealth, the court shall cause a jury to be empannelled, who shall not be citizens of the town of Paducah, to ascertain the value of each of said lots, who, after hearing the evidence, shall render their verdict of what value they affix to said lots respectively, and upon the payment of the costs and the value of all or either of said lots, by the Chairman and Board of Trustees, the title to the lot or lots so paid for, shall vest in the said Chairman and Board of Trustees; and it shall be the duty of the court to appoint some attorney to defend for any non-resident owner or owners of either of said lots; and said court may, for good cause,

continue said case, upon the application of either of said defendant lot owners: the Clerk of said court shall issue execution against said Chairman and Board of Trustees on any judgment that may be given by said court for the value assessed by the jury, and execution may issue for any costs of any continuance against the party applying for a continuance; and in ascertaining the value of said lots, the value, without the improvements constructed by said Chairman and Board of Trustees, shall be the value to be found by the jury.

1846.

Approved January 29, 1846.

CHAPTER 110.

AN ACT to change the name of George W. Sowder to George W. Haley.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the name of George W. Sowder is hereby changed to that of George W. Haley, and by that name he shall hereafter be called and known.

Approved January 29, 1846.

CHAPTER 112.

AN ACT for the benefit of the children of Achilles Moorman.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for Jesse A. Moorman to file a bill in the Hardin Circuit Court, in chancery, praying for a sale of the land and slaves devised by Jesse Moorman, Sr., deceased, making the devisees defendants to said bill, and stating the character and quantity of land, and the number of slaves to which said devisees are entitled, under said will; that said court may decree said land and slaves to be sold by said Jesse A. Moorman upon such terms and credits as may seem just and equitable, and decree the proceeds arising therefrom to be disposed of in such manner as will be conducive to the interest of said devisees: *Provided*, said court shall be of opinion from the evidence, by proof made in court, by deposition or affidavit, that a sale of said land and slaves will redound to the interest of said devisees: *And provided further*, that the sale will not conflict with the provisions of said will under which said property is claimed.

SEC. 2. That said Jesse A. Moorman shall, before he proceeds to sell said land and slaves, execute and deliver to said court, bond with good security, in a penalty double the value of the devised property, conditioned for the faithful discharge of the duties required of him by this act, and to pay over and dispose of the proceeds arising from the sale, according to the orders and decrees of said court.

Approved January 31, 1846.

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## CHAPTER 113.

AN ACT allowing additional Justices of the Peace and Constables to certain counties and for other purposes.

WHEREAS, It is represented to the present General Assembly, that an additional Justice of the Peace is required in the town of Owenboro', in the county of Daviess. Therefore:

Daviess. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an additional Justice of the Peace, be and the same hereby is allowed to the county of Daviess.

And whereas, it is represented that the citizens residing in and near Newhope, in Nelson county, need the services of a Justice of the Peace. Therefore:

Nelson. SEC. 2. *Be it further enacted*, That an additional Justice of the Peace, be and the same is hereby allowed to the county of Nelson.

Rockcastle. SEC. 3. That an additional Justice of the Peace be allowed to the county of Rockcastle.

Bath. SEC. 4. That an additional Justice of the Peace be allowed to the county of Bath, who may reside in the town of Wyoming.

Green. SEC. 5. That an additional Justice of the Peace be allowed to Green county, who may reside on Brush creek.

Breathitt. SEC. 6. That an additional Justice of the Peace be allowed to Breathitt county, who may reside on Troublesome creek.

Hart. SEC. 7. That an additional Justice of the Peace be allowed to the county of Hart, who may reside in the neighborhood of Aetna Furnace.

Henry. SEC. 8. That an additional Justice of the Peace be allowed to the county of Henry, who may reside in the town of New Castle.

Whitley. SEC. 9. That an additional Justice of the Peace be allowed to Whitley county, who may reside in the neighborhood of the Pine Knob Tavern.

Pulaski. SEC. 10. That an additional Justice of the Peace be allowed to Pulaski county, who may reside in the neighborhood of Isaac Taylor.

Adair. SEC. 11. That an additional Justice of the Peace be allowed to Adair county, who may reside on Casey's creek.

Hancock. SEC. 12. That an additional Justice of the Peace be allowed to Hancock county, who may reside in the town or Hawesville.

Campbell. SEC. 13. That the County Court of Campbell shall appoint an additional Constable for said county, who may reside in the district of Thomas Vickers, Esq.

Ohio. SEC. 14. That an additional Constable be allowed to the county of Ohio, who may reside in the neighborhood of Reuben Hunter.

Whitley. SEC. 15. That an additional Constable be allowed to the county of Whitley.

SEC. 16. That an additional Constable be allowed to the county of Greenup, who may reside in the neighborhood of James Bryant, Esq.

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Greenup.

SEC. 17. That an additional Constable be appointed for the county of Pendleton, to reside on the north side of Main Licking river, above Waggoner's ferry.

Pendleton.

SEC. 18. That the boundary of the district in which John Glover, of Barren county, is Constable, be so extended as to include said Glover's residence in the district.

Barren.

SEC. 19. That the district of John M. Carlisle, a Constable in Hopkins county, be so changed as to include his present residence.

Hopkins.

SEC. 20. That an additional Constable be allowed to the county of Letcher.

Letcher.

Approved January 31, 1846.

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CHAPTER 114.

AN ACT divorcing Thomas Briarly from his wife Frances Briarly.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Thomas Briarly, be and he is hereby divorced from Frances, *alias*, Fanny Briarly.

Approved January 31, 1846.

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CHAPTER 116.

AN ACT divorcing Benjamin M. Griffith from his wife Mary Ann Griffith.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Benjamin M. Griffith, be and he is hereby divorced from his wife Mary Ann Griffith, and he is restored to all the rights and privileges of a single man.

Approved January 31, 1846.

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CHAPTER 117.

AN ACT for the benefit of Alexander Strong, of Breathitt county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the mill and dam now erected by Alexander Strong, on the north fork of the Kentucky river, in Breathitt county, and adjoining the lands of said Strong, be and the same are hereby established and permitted to remain in said river: *Provided*, that if at any time should the said mill and dam obstruct or endanger the navigation of said stream, then and in that case, upon fifteen days notice given to the said Strong, or any person or persons in possession thereof, by the Sheriff of said county, the County Court of Breathitt, if they think it right, may by order of said court, order the said Strong, or any person or persons in the possession



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thereof, to remove said mill and dam within thirty days; and upon his or their failure or refusal to do so, then the said court shall order the Sheriff of said county to remove said mill and dam, and the said Sheriff shall have power to summon a competent number of persons to assist him, for which a reasonable compensation shall be paid by the said Strong, or any person in the possession thereof, and judgment shall be rendered therefor in the County Court.

SEC. 2. *Be it further enacted*, That the said Strong, or any person in the possession of said mill and dam, shall be accountable for all damages that may be sustained by any person or persons in consequence of said dam: *Provided, however*, that the said Strong, or any person in possession of said mill and dam, shall not be accountable for any damages that may accrue unless there is a sufficient tide in said stream for water crafts to descend at all other places where there is no dam.

SEC. 3. *Be it further enacted*, That the said mill dam shall not be extended further across said stream than it is at this time, and raised no higher than from two to three feet.

Approved January 31, 1846.

#### CHAPTER 118.

AN ACT to incorporate the town of Mayfield, and for other purposes.

Trustees to be elected, how and when.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, hereafter, it shall be lawful for the free white male citizens of the town of Mayfield, over the age of eighteen years, to meet on the first Monday in April next, and on the first Monday in that month in each year thereafter, at the court house in said town, and proceed to elect five Trustees for said town, who shall be citizens of the same, and who shall hold their office for the term of one year, and until their successors are duly elected; and it shall be the duty of the County Court of Graves county, annually, to appoint some Justice of the Peace of said county, judge of said election; and said court shall also appoint a clerk for the same, and it shall be the duty of the judge and clerk, so appointed, to hold said election for Trustees, as above directed.

Clerk to be appointed: his duties.

SEC. 2. That when said Trustees are elected, they may appoint a clerk of their board, (and if they see proper so to do, they may appoint one of their own body to said office,) and it shall be the duty of said clerk to provide a book, in which he shall keep a correct record of all the acts of said Trustees; and it shall be the duty of the clerk of the elections for Trustees, to file with the clerk of the Board of Trustees, the record of such election, and to give to the persons elected, certificates of their election; and any three of the Trustees, so elected, shall form a quorum to do business; and it shall be the duty of said Trus-

tees to appoint a collector, and they may confer that office on their clerk or any one else they may think qualified, and may require him to enter into bond to them for the faithful performance of his duties, or not, as they may think best, and said collector shall take an oath, before a Justice of the Peace, for the faithful and honest performance of the duties enjoined on him by this act.

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Trustees to  
appoint a col-  
lector.

SEC. 3. That it shall be the duty of said Trustees to see that the streets of said town are kept open and in good repair, clear and smooth; and to enable them so to do, it shall be their duty to appoint overseers for the different streets in said town, and to allot to each of said overseers the number of hands he shall have to work on the street over which he shall have been appointed overseer; and it shall be the duty of the overseers, whenever it shall be necessary, to warn the hands to work on said streets; and should any one allotted as a hand, fail or refuse to work, when warned so to do, the person so failing or refusing, shall be subject to a fine of one dollar and twenty five cents, to be recovered by warrant in the name of such overseer, for the use of said Trustees, before any Justice of the Peace in Graves county, with costs, which shall be collected by a Constable, as in other cases; and should any person owning male slaves of age sufficient to work on said streets, fail or refuse to send such slave or slaves to work when warned, he or she so failing or refusing, shall be liable to the same penalty for each slave he or she may fail to send, to be recovered as aforesaid; and all white and colored males residing in said town, over the age of sixteen years, shall be bound to work on said streets: nevertheless, if it shall appear upon the trial of such warrant, that the party sued was prevented from working by his own sickness or infirm condition, or that his slave or slaves who failed to work, were prevented by sickness of such slave, the Justice may render judgment in favor of the defendant.

Shall appoint  
overseers of  
the streets.

SEC. 4. That should said Trustees fail to keep said streets in repair, according to the provisions of the third section of this act, they shall be liable to be presented by the grand jury of Graves county for such failure, and upon such presentment, may be fined by the Circuit Court in any sum not less than five nor more than fifteen dollars; and should said overseers or either of them, fail to keep the street over which he shall be overseer, as aforesaid, open and in good repair, clear and smooth, he shall, for such failure, be liable to be fined in any sum not less than three, nor more than six dollars, which may be recovered by warrant before any Justice of the Peace of Graves county, in the name of said Trustees against such overseer, to be collected by a Constable as in other cases. Any person appointed overseer, as aforesaid, shall hold his office one year, and until his successor shall have been appointed; and it shall be the duty of the clerk of the board to notify the overseers of their appointment, which notice shall be in writing.

Trustees to  
be fined for  
failing to keep  
streets in re-  
pair.

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Trustees to  
appoint an as-  
sessor: and his  
powers and du-  
ties.

SEC. 5. That it shall be the duty of said Trustees to appoint an assessor, (and they may appoint to said office their clerk, or any one of their body, or any one else they may think qualified,) who shall take an oath before a Justice of the Peace, for the faithful performance of the duties of his office; and it shall be his duty to assess the value of the property, real and personal, which may be in said town on the first day of February in each year; and after said assessment has been made, and a return made thereof to said Board of Trustees, they shall proceed to levy an ad valorem tax thereon, not exceeding seventy five cents on each one hundred dollars valuation set on said property; and it shall be the duty of said assessor, as soon as he can after his appointment, to proceed to the discharge of the duties enjoined on him by this act; and said Trustees shall also have power to levy a poll tax on the white male citizens of said town, over twenty one years of age, not to exceed one dollar on each poll; and it shall be the duty of said Trustees to cause their clerk to make out and deliver to the collector, a list of the names of the persons against whom taxes have been levied, together with the amount to be collected off each person; and it shall be the duty of the collector to proceed to collect said tax so assessed, either by distress or suit, from the owners of the property on which the same may have been assessed, and from the persons against whom poll tax may be levied; and said collector may expose to public sale, for cash in hand, the property of those persons against whom tax may be assessed, as aforesaid, (and who shall fail to pay the same,) until he shall raise a sufficient sum to discharge the tax so levied.

Assessor may  
sell lots for tax-  
es, and how.

SEC. 6. That said assessor shall assess for taxation, as aforesaid, the value of such lots in said town as may belong to persons residing out of the same, and such as reside out of the State, and should the owner or owners of such lots fail to pay the tax levied on the same, within six months from the time it is levied, the said lots upon which the tax may remain unpaid, or so much of said lot or lots as will be sufficient to pay the tax so remaining unpaid, and costs, shall be sold at public auction at the Court House door in said town, said sale to be made by the tax collector, who shall convey, by deed, to the purchaser, such lots or parts of lots as may be sold by virtue of this act; nevertheless, before any such lots or parts of lots shall be sold under the provisions of this act, it shall be the duty of said collector to advertise the said sale for one month in some newspaper printed in this State, and should the owner of such lot or lots pay the tax before such sale shall take place, he shall also pay the costs of advertising; and the original owner of any lot or part of a lot which may be sold by virtue of this section, shall have the right to redeem the same, at any time within one year from the time of such sale, by paying to the purchaser the original purchase money, together with twenty five per cent. thereon, and the costs of recording the

deed from the collector to such purchaser: *Provided*, that if the interest of any person under the age of twenty one years, or of any feme covert, or of any person of unsound mind, shall be sold to pay taxes as aforesaid; any person laboring under any of the above disabilities, his or her legal representatives, shall be allowed, after the disabilities cease, the term of one year to redeem the property so sold, by paying the purchase money, with fifteen per cent., to the purchaser, or depositing the same with the Trustees.

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SEC. 7. Should any citizen of said town, or other person owning property therein, fail or refuse to give the same in, for taxation, to said assessor, when called on, such person so failing or refusing shall be liable to be fined not less than five nor more than thirty dollars, with costs, to be recovered by warrant in the name of the said Trustees, before any Justice of the Peace of Graves county, and which may be collected by a Constable, as in other cases.

Citizens to be fined for failing to list property.

SEC. 8. That said Trustees may appoint a Treasurer, who shall take an oath for the faithful discharge of his duties; and it shall be the duty of the collector and others who may receive any money authorized to be collected by this act, to pay the same over to said Treasurer, who shall hold the same subject to the order of said Trustees; and should the said collector, or any other person who may collect any money by virtue of this act, fail to pay the same over to said Treasurer, the same, together with thirty per centum on the amount thereof, may be recovered off such person so failing, by motion in the name of the said Treasurer, before any Justice of the Peace of Graves county, ten days notice in writing having been given the defendant of such intended motion.

Treasurer to be appointed, and his duties.

SEC. 9. That the collector shall retain, on all sums collected by him by virtue of this act, six per centum as his commission for collecting the same; and all moneys collected by virtue of this act, shall be expended by the Trustees in the improvement of said town for the public good, and said Trustees shall have the care and management of the public well in said town, and shall have the power to contract, for the improvement of the same in any way they may think best calculated to promote the public good, or they may cause to be dug a new well or wells, and they may appoint any person they may think fit to superintend and oversee said well, and to see that the same is kept in good order, and not abused, and may allow such superintendent any compensation they may think just, and said Trustees may, at their pleasure, remove such superintendent and appoint another.

Taxes, how to be expended.

SEC. 10. Any person who shall shoot off a gun or pistol, or who shall run or gallop a horse creature in said town, shall be liable to a fine of not less than two nor more than four dollars, to be recovered by warrant in the name of said Trustees, before any Justice of the Peace in Graves county, with costs, and shall be collected by a Constable and paid over to said Treasurer as other sums collected by virtue of this act.

Violations of the town laws, how punished.

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Trustees may  
pass by-laws.

SEC. 11. That said Trustees shall have power to pass all by-laws and ordinances that may be necessary for the government, good order, and well being of said town; and it shall be the duty of said Trustees to meet at least once in every two months for the discharge of the duties enjoined on them by this act.

SEC. 12. It shall not be lawful for any Trustee of said town to be appointed overseer of any street in the same.

What part of  
this act to be  
applied to  
Clinton.

SEC. 13. *Be it further enacted*, That the third and fourth sections of this act, so far as the same makes the Trustees of the town of Mayfield subject to presentment and fine by the grand jury, be and the same are hereby applied with full force to the Trustees of the town of Clinton, Hickman county, Kentucky.

Approved January 31, 1846.

#### CHAPTER 119.

AN ACT for the benefit of John Duerson.

WHEREAS, Moses Frederick, alias Moses O'Dear, a free man of color, lately died intestate in the city of Louisville, the owner of some real and personal estate in said city: and, whereas, he left no heirs or persons competent in law to take said estate, but left a brother named Harry, a slave, the property of John Duerson, his nearest relation, and expressed the wish that Harry should have his estate: and, whereas, said Duerson is willing to emancipate Harry upon receiving his fair value, to enable him to take, hold and enjoy, said estate. Therefore:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all the right, title, interest, and claim, legal or equitable, which said Moses Frederick had and held by that or any other name, at the time of his death, in and to any real estate, shall be and hereby is vested in John Duerson, as fully and completely as if it had descended to him as heir of said Moses Frederick, with the right to bring any suit therefor, or for any thing pertaining thereto, which an heir would have had, and to sell and convey the same: but the proceeds to be held for, and applied to, the purposes and trusts hereinafter declared, and the title to the personal estate of said Moses shall, in like manner, vest in said John Duerson, after a due course of administration, as if he were heir and distributee of said Moses, to be held for, and applied to, the purposes and trusts hereinafter declared: *Provided, however*, that said Duerson shall apply and appropriate so much of the proceeds of said estate to the emancipation of Harry, the brother of Moses Frederick, as may be necessary, but not to exceed the sum of six hundred and fifty dollars; and after the payment of all necessary expenses, he shall deliver and surrender to Harry, after he shall have been emancipated, the residue of

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said estate: *Provided, further*, that said Duerson shall give bond, in the County Court of Jefferson, with sufficient security, to be approved of by said court, to perform the trusts before provided for, before he shall have the right to sell the real estate or to receive the personal estate, or the proceeds thereof, from the administrator of said Moses; and he shall report his proceedings in the premises to said court.

SEC. 2. That said estate shall be liable, in the hands of said Duerson or Harry, for the just debts of said Moses, and that if, from any cause, said Harry should not be emancipated, the said estate shall vest in, and belong to, the Commonwealth: *Provided, however*, that the negro, proposed to be emancipated, leave this State within twelve months after the passage of this act.

Approved January 31, 1846.

### CHAPTER 121.

AN ACT authorizing Mary L. Burch to erect a Fish Dam across the Rolling Fork of Salt river.

WHEREAS, Mary L. Burch, of Nelson county, hath petitioned the General Assembly to pass an act to authorize her to build a fish dam and pot, near New Haven, in Nelson county, on the northern division of the Rolling Fork of Salt river, at a point where the same is divided by an island; and hath, also, by said petition stated that she is the owner of the land on both sides of the said northern division of said stream. Therefore:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said Mary L. Burch be and she is hereby authorized to construct and build a fish dam and pot across the northern division of said stream, at and against the island aforesaid.

SEC. 2. *Be it further enacted*, That, if said dam and pot should ever obstruct the navigation of said stream, it shall be lawful for the County Court of Nelson county, upon the motion of any person who shall have given said Mary L. Burch, or any other person or persons into whose hands the said lands shall have passed, three days notice of the intended motion, to enter up an order directing the Sheriff of Nelson county to remove said dam and pot, who shall do the same at the costs of the owner.

Approved January 31, 1846.

### CHAPTER 123.

AN ACT to establish the town of Milton, and for other purposes.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that a town has been laid out at the termination of the road leading from Frankfort,

Preamble.

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Kentucky, to Madison, Indiana, on the Ohio river, in the county of Trimble; that the original proprietor failed to have said town established by law; that Thomas Smith, Thomas O'Briant, F. B. Geoghegan, and Peter B. Foree, are the sole proprietors of said town; that it would be proper to establish said town. Therefore:

Town established according to original plat.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That said town be and the same is hereby established, according to the plan laid out and designated by the original proprietor, and that the said Smith, O'Briant, Geoghegan, and Foree, shall have a correct plat of said town, as originally laid out, recorded in the Clerk's office of the Trimble County Court, by which plat the boundaries of the lots, directions and width of the streets, shall be known and determined, and that the said town shall be known and called by the name of Milton.

Trustees appointed: term of office: when election to be held for Trustees.

SEC. 2. That said Smith, O'Briant, Geoghegan, and Foree, be and they are hereby appointed Trustees to said town, who shall hold their offices until the first Monday in March, eighteen hundred and forty seven, on which day, and on the same day in every year thereafter, a poll shall be opened to elect Trustees for said town, at which election all persons at that time living therein, qualified to vote for representatives, shall be entitled to vote, and proceed to elect three fit persons to act as Trustees for said town for one year from and after their election, which election shall be conducted by two of the Trustees, who shall be designated by the board for that purpose.

Number of Trustees.

By-laws may be passed.

SEC. 3. That the said Trustees by this act appointed, and their successors in office, shall have power to pass all by-laws necessary and proper for the government of the inhabitants of said town, that may be consistent with the constitution and laws of this State.

Approved February 4, 1846.

#### CHAPTER. 124.

AN ACT to extend the limits of the town of Hopkinsville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act incorporating the town of Hopkinsville, be so amended as to extend the limits of said town in such manner as to include all within the following boundary, to-wit: Beginning at the southern abutment of the bridge, on the Madisonville road; thence south 68° E., 172 poles, to a stake in D. S. Hays' field; thence S. 22° W., 260 poles, to a stake in F. C. Sharp's field; thence N. 68° W., 236 poles, to a stake in S. J. Hawkins' field; thence N. 22° E., 68 poles, to a stake in Mrs. Long's field; thence S. 68° E., 34 poles, to the east bank of the river; thence up said river with the several meanders thereof to the beginning.

Approved February 4, 1846.

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1846.

AN ACT to incorporate the Barren River Navigation and Manufacturing Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be and is hereby erected and established, a body politic and corporate, to be known by the name and style of "The Barren River Navigation and Manufacturing Company," with a capital stock of one hundred and fifty thousand dollars, divided into shares of one hundred dollars each, to be subscribed and paid for in the manner hereinafter specified, by individuals, companies, and corporations; which subscribers and shareholders, their successors and assigns, shall be and are hereby created a body politic and corporate, by the name and style of "The Barren River Navigation and Manufacturing Company," and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defended and be defended, in all courts and places.

Name and style.

Capital stock.

Corporate powers.

SEC. 2. The office of the said company shall be kept in the town of Bowlinggreen, and its President shall reside in the county of Warren. The business of the said company shall be to construct a dam and lock in Big Barren river, for the passage of steam boats and other water craft and vessels; to erect grist mills, saw mills, or any other description of mills for manufacturing purposes, or to lease, for a term not exceeding twenty years, the water power which may be created by the erection of their dam; or to use any part of such water power to propel machinery and work mills erected by the company, and to lease, as aforesaid, the residue or the whole of such water power to others; to employ managers, servants, and hands, to superintend, conduct, and manage the mills and factories which may be erected by the company, and to operate in the same for the benefit of the company; to purchase raw materials for the business carried on in any mill erected and owned by said company, and make any and all contracts necessary and proper to supply any such mill with materials for conducting any business therein, in which the company may engage; to vend and dispose of any manufactured article made at any mill owned and conducted by said company; to use any portion of the water power created by the erection of their dam, in working machinery for the purpose of elevating water with which to supply and furnish the town of Bowlinggreen; and to construct reservoirs, lay pipes, and build cisterns, with a view to furnish public watering places in said town, and to supply private and public houses, and dwellings therein, with water. And said corporation and body politic is hereby authorized and empowered to do all acts and things necessary and proper to carry into full effect the purposes and business herein specified, and all the objects of this act.

Purposes for which corporation is created.



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Where dam  
is to be con-  
structed.

SEC. 3. The said company shall construct their dam at such place, and of such height, on Big Barren river, as the Board of Internal Improvement may direct; and their lock shall be constructed at their dam, or it may be constructed upon a canal across the neck of a bend in said river, so as to admit the free passage of boats from the pool below the dam into that above, and from the pool above into that below the dam. The lock shall not be less in its dimensions than those already constructed upon Green and Big Barren rivers.

May make  
dam in such  
manner as to  
answer for a  
bridge and may  
receive tolls for  
crossing, and  
rates thereof.

SEC. 4. In building their dam, it shall be lawful for said company to make the top thereof so wide that wagons and carriages of all kinds may pass and re-pass over the same, or in connection with their dam they may erect a bridge across Big Barren river. It shall be lawful for the said company to demand and receive the following tolls for crossing the said river, upon their said dam or bridge, to-wit: for a wagon or carriage drawn by four horses, mules, or oxen, 50 cents; for a wagon or carriage drawn by two horses, mules, or oxen, 35 cents; for a wagon or carriage drawn by one horse, mule, or ox, 20 cents; for a person on horseback and the horse, 10 cents; for each head of cattle, 3 cents; for each horse, mule, or ox, not rode or worked, and for each footman, 5 cents; for each head of goats, sheep, and swine, 2 cents.

May acquire  
and hold real  
estate.

SEC. 5. For the construction of their dam, mills, reservoirs, cisterns, and bridge, and for the purpose of laying water pipes and conductors, the said company is hereby authorized to acquire and hold, in fee simple, not exceeding fifty acres of land, in one or more parcels; and to contract for the right and privilege of laying their water pipes through the lands of others, and for access to the same, whenever they may be out of repair, in order to make all needful repairs; and in case the said company, and the owners of the land which the company may desire to acquire, or through which to lay their water pipes, cannot agree upon the price of the land, or the price which the company shall pay for the privilege of using the same, it shall be lawful for the said company to apply, from time to time, to the Circuit Court for the county of Warren, to appoint four discreet freeholders as Commissioners, to examine the lands which said company may desire to acquire, and to lay off the same by metes and bounds, and to value the same, and to report their proceedings to said court. It shall further be the duty of said Commissioners to determine what sum of money the company shall pay the owners of the land through which water pipes may be laid, for the privilege of using the land for that purpose, and of entering upon the same to make repairs, when needed; and to assess the value of rock, stone, or timber, and the privilege of getting the same upon any lands not owned by the company, and report the same to said court; and upon said company paying to the owners and proprietors of the land, so laid off by metes and bounds, the value thereof, or tendering the value

Lands may  
be condemned  
and how.

Value of  
stone, &c. to  
be assessed.

thereof, said land, and the several parcels thereof, not exceeding fifty acres, shall vest in the said company; and the said court shall cause the same to be conveyed in fee simple to said company. And, upon said company paying to the owners and proprietors of any land through which it may be contemplated to lay water pipes and conductors, the price and value fixed and assessed by said Commissioners, or tendering the same, the said company shall be authorized to enter upon such land, and to lay their water pipes and conductors, and to enter thereon for the purpose of repairing said pipes and conductors, whenever the same may need repair; and whenever the said company shall pay or tender the value of any such rock, stone, or timber, to the owner or proprietor thereof, it shall be lawful for said company, its agents, servants, and laborers, to take the same for the use of said company. A concurrence of a majority of the Commissioners shall be sufficient to determine the value and price of the lands, privileges, rock, stone, and timber, aforesaid: *Provided, however*, that said company shall notify the owners and proprietors of the time and place of the meeting of the Commissioners, a reasonable time before they assemble to make the examinations and valuations, aforesaid: *Provided further*, that the owner or owners of any land, through which said company may desire to run said pipes, as aforesaid, shall have the right to have the damages, resulting therefrom, assessed by a jury, if they should elect that mode in preference to the one provided in the foregoing section; and if any such person shall elect to have a jury, the Circuit Court aforesaid, shall, upon application, direct the Sheriff to summon a jury to assess the damages which such applicant may sustain; and the Sheriff shall be governed by the laws providing writs of *ad quod damnum* in the case of establishing public roads, except the verdict of the jury shall be returned to the Circuit Court, and the same proceedings shall be thereupon had as is herein provided in cases where Commissioners may assess damages.

SEC. 6. It shall be lawful for said company to demand and receive such tolls, for the passage of boats, vessels, and water craft of every description through their lock, as are allowed, received, and collected for the passage of the same or similar boats, through the locks now owned by the State upon Green and Barren rivers, and the tolls which said company shall demand, receive and collect, for the use of their lock, and for passing boats and water crafts through the same, shall at all times be regulated by the General Assembly.

SEC. 7. It shall be lawful for said company to extend their water pipes and hydrants through the streets of the town of Bowlinggreen, and to contract with individuals, and the Trustees of said town, and the County Court of Warren, to supply water for private and public uses, at any one or more places in said town; and said Trustees and County Court are hereby

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May enter  
on lands, &c.  
on payment of  
value assessed.

Notice to be  
given.

Owners of  
lands may have  
jury to assess  
value, under  
laws providing  
for writs of *ad  
quod damnum*.

Tolls for pass-  
ing lock.

Water pipes  
may be extend-  
ed through the  
streets of Bow-  
linggreen.

1846.

Business of  
company to be  
under control  
of President  
and Directors.

authorized to pay said company, annually, out of the moneys subject to their control, whatever sums may be agreed on.

May remove  
Treasurer, &c.

SEC. 8. The business and affairs of said company shall be under the control and management of a President and three Directors, a majority of whom shall be and are hereby authorized to determine and decide every question relating to the business of the company. Said President and Directors shall superintend and conduct the business and affairs of the company; employ engineers, agents, servants and laborers; appoint a Treasurer, Clerks, Lock Keeper, and all other officers and agents necessary to manage and conduct the business and affairs of said company: and every Engineer, Treasurer, Clerk, Agent, Servant, and Officer, so appointed, shall be removeable at the pleasure of said President and Directors.

Books to be  
kept showing  
expenditures,  
&c., and laid  
before stock-  
holders.

SEC. 9. The President and Directors shall cause books to be kept, showing the expenditures of the company, and for what purpose they are made, and the profits of the company in each branch of business; and it shall be the duty of said President and Directors to report, annually, to the stockholders, the amount of said expenditures by a detailed statement, exhibiting the several objects of expenditure, and the amount expended upon each: also, the profits of the company, resulting from each branch of their business. And it shall be the duty of said President and Directors to declare and pay over to the stockholders such dividends, from time to time, as the profits may justify.

Dividends  
may be made.

Vacancies,  
how filled.

SEC. 10. The President and Directors shall have power to fill vacancies which may occur in their own body, and the person or persons, so appointed to fill a vacancy, shall hold the office until the next ensuing election of a President and Directors, and until his successor shall have been duly qualified. The President and Directors shall fix the compensation to be paid the officers, agents, and servants of the company, and prescribe their duties. Such officers, agents, and servants, shall give bond, with approved security, to the company, for the faithful discharge of the duties assigned them, if required by the President and Directors. Such bond shall be renewed from time to time as required by the President and Directors, who shall have power to make by-laws, rules, and regulations for their own government, for the government of the officers, agents, and servants of the company, and for the management and disposition of the property, estate, funds, and business of the company, and all matters appertaining thereto, not contrary to the provisions of this charter, and the laws of the State, and Constitution.

Officers, &c.  
to give bond,  
and bonds to  
be renewed.

By-laws, &c.  
may be passed.

Penalty on  
Treasurer, &c.  
for making  
false entries or  
using funds of  
corporation.

SEC. 11. The Treasurer, Lock Keeper, Collectors, and Clerks of said company, or any one of them, who shall appropriate any of the funds of said company to his own use, without the consent of the President and Directors, or who shall wilfully fail to make correct entries, or shall knowingly make false entries, on the books of said company, with intent to

cheat or defraud the corporation, or to hide and conceal any improper use made of the funds of the corporation, by such Treasurer, Lock Keeper, Collector, or Clerk, or any other person, shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the Jail and Penitentiary of this State, for a period not less than five nor more than twenty years.

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SEC. 12. The stockholders may allow and fix a compensation for the services of the President and Directors, but no President or Director shall be allowed to vote, as a stockholder, in fixing his own compensation.

Compensation to President, &c.

SEC. 13. With a view to organize the said company, John H. Graham, Richard Curd, James Hodge, John Burnam, James T. Donaldson, Jeremiah C. Wilkins, Warner L. Underwood, Thomas Quigley, Robert W. Ogden, and Robert Mallory, shall be and they are hereby constituted and appointed Commissioners to open books and receive subscriptions for the capital stock of said company, and to superintend the election of the first Board of President and Directors, and any three of them shall be competent to exercise the powers and perform the duties required by this section.

Commissioners to open books.

SEC. 14. The said Commissioners shall have power, and they are hereby authorized and required, on the first Monday in May, 1846, or at such other time, within six months thereafter, as they shall deem expedient, to open books in the town of Bowlinggreen, for the subscription of the capital stock of said company, and to cause said books to be kept open from 10 o'clock in the morning until 2 o'clock in the evening, for at least one month, and until at least seven hundred and fifty shares shall have been subscribed, when the same may be closed; and if more than fifteen hundred shares have been subscribed, said Commissioners shall deduct the excess from the largest subscriptions, so that no subscription shall be reduced and leave the subscription of any other larger.

When books to be opened, and how long continued.

SEC. 15. When not less than seven hundred and fifty shares of the capital stock shall have been taken, and the Commissioners shall have closed the books, it shall be their duty to give notice thereof in one or more of the newspapers printed in Bowlinggreen, and appoint a day and a place in said town for the election of the first Board of Directors, who shall hold their offices until the next succeeding election, and until their successors are duly qualified. Not less than three weeks previous notice shall be given of the time and place of holding said first election. The stockholders, in voting, shall designate the person voted for as President, and those voted for as Directors: any three of said commissioners shall conduct the election, receive the votes of the shareholders, decide who has been elected, and give to the persons elected a certificate of their election. The President and Directors, so elected, shall take an oath before some Justice of the Peace for Warren county to act faithfully in the discharge of their respective

When President & Directors to be elected, notice to be given.

Oath of President, &c.

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duties as President or Director of said company, before acting as such. Said President and Directors shall keep a record of their proceedings, and their Clerk or other keeper of the record, shall make an entry upon their record of their qualification, and carefully file the Justice's certificate of the fact.

Subsequent elections, when, where, and how to be held, and by whom conducted.

SEC. 16. After the first election of President and Directors, all subsequent elections of a President and Directors shall take place on the first Monday in June, annually, at the office of the company, in the town of Bowlinggreen, and shall be conducted by such person or persons, not a stockholder, as the President and Directors, then in office, may select for that purpose; and the person or persons thus selected shall receive the votes, decide who has been elected, and give to the persons elected a certificate thereof, who shall be qualified in the same manner as is prescribed for those elected at the first election. In voting, each stockholder shall be entitled to as many votes as he owns shares of stock, and each voter may, by a written power, authorize another to vote for him at any election. The failure to hold an election in any one year, shall not be cause for forfeiting this charter.

How votes shall be given.

Company liable for damages, and mode of assessing.

SEC. 17. The said company shall be liable for all damages occasioned to any one by the erection of their dam, and with a view to assess those damages, after the Board of Internal Improvement, or any engineer appointed by them, shall have located the site for the dam, and determined the height it may be built, it shall be lawful for the Warren Circuit Court to appoint four persons to assess the damages which may be occasioned by overflowing the lands or other property of any one, and to report whose lands will be overflowed by erecting the dam the height required, and what damage the several proprietors will sustain thereby; and upon the coming in of the report, and it appearing to the satisfaction of the court that the said company had paid, or tendered to the several proprietors the amount of damage assessed respectively, it shall be the duty of said court to enter of record an order granting leave to said company to erect said dam.

Contracts: how evidenced.

SEC. 18. All the written contracts of said company shall be evidenced and made known by the President thereof, signing the corporate name of the company to the same, and attesting the same by his own signature as President.

Stock transferable, and in what manner.

SEC. 19. The capital stock of said company shall be transferable and assignable in such manner and at such places only as the President and Directors shall prescribe in their by-laws; and certificates of stock shall be issued in such manner as may be prescribed in the by-laws, and delivered to the owners thereof when paid for; and the shares of the capital stock in said company shall be considered and held in law as personal property.

General meetings of stockholders.

SEC. 20. The general meeting of the stockholders shall be held annually, on the first Monday in June, in the town of Bowlinggreen, at the time of the annual election for a Presi-

dent and Directors; and it shall be the duty of the President and Directors, at each annual meeting of the stockholders, to lay before them an accurate statement of the condition and affairs of the company. The said company may purchase and hold a lot of ground not exceeding half an acre, in said town, and erect thereon suitable buildings for the accommodation of its officers in the transaction of business. Buildings for offices may also be erected on any of their grounds adjacent to their works or any of them.

SEC. 21. The General Assembly may, at any time, in any mode which may be prescribed by law, investigate the situation and affairs of said company, and may, by indemnifying the stockholders and paying them for the property of the company, make the same public property.

SEC. 22. The stockholders shall severally be liable for the amount of the stock owned by him or her, in the capital stock of said company, in the payment of all debts and damages which the company may incur; and in case of a deficiency of assets to meet the liabilities of the company, it shall be lawful for any creditor or claimant against the company, to proceed against the individual stockholders either at law or in chancery, to compel them to pay the amount due by the company out of their individual and private property: *Provided, however*, that no stockholder shall be liable, under such proceeding against him, either at law or in chancery, for an amount greater than the amount of stock owned by him in said company.

SEC. 23. That said company shall commence their dam and lock within two years after the election of the first President and Directors, and finish the same within five years after the same has been commenced; and in case of failure, this charter shall be void and of no effect: *Provided, however*, said company may sell and dispose of all their estate and property at any time after the company is dissolved, and collect all debts due the company, or which may become due thereafter: *And, provided further*, that it shall be lawful for the General Assembly, at any time before said dam and lock are completed, to make the same public property, by paying the stockholders for the labor and money expended and materials owned by the company.

SEC. 24. Whenever the dam and lock of said company are out of repair, it shall be the duty of the company to proceed, with all possible despatch, to repair the same, and in case said company allows or suffers their dam and lock to remain out of repair six months at any one time, so that boats cannot pass through their lock, without taking steps to repair the same, it shall be lawful for the Warren Circuit Court, upon the presentment of the grand jury, to declare said dam a nuisance, and to order the Sheriff of said county to remove the same, or so much thereof as will admit the passage of boats. The expense of removing so much of the dam as will allow boats to pass, shall be paid by said company, and said court shall ren-

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Statement of affairs to be laid before them.

Affairs to be investigated by General Assembly.

Stockholders' liability for debts of Company.

When to commence & complete lock and dam.

May sell and dispose of property after dissolution.

Dam, &c., when out of repair, to be repaired.

Penalty for failure to repair.

Expenses of removing dam: how to be paid.

1846.

Company allowed to make full defence to proceedings for removing dam.

der judgment against the company for the amount in favor of the Sheriff, after the same shall have been assessed by a jury: *Provided, however*, before said dam shall be declared a nuisance as aforesaid, and before any judgment shall be rendered in favor of the Sheriff, for the expense and labor of removing the dam, the President of the company shall be permitted to make full defence against the presentment and the claim of the Sheriff for the expense of removing the dam, and with that view, said court shall award process against said company, to be served on their President, and a reasonable time allowed to make defence.

Approved February 6, 1846.

## CHAPTER 126.

AN ACT to establish and incorporate the town of Fairview.

Town located and established.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a town shall be and is hereby established on the lands of William Morrow, situate partly in the county of Christian, and partly in the county of Todd, at a point nearly central between the towns of Hopkinsville and Elkton, on the turnpike road, to be known and called by the name of Fairview, to include twenty acres, to be laid off into lots of one acre or one half acre each, as the said Morrow may think proper, a plat of which town shall be made out and recorded in the Clerk's office of the Christian County Court.

Trustees appointed: term of office.

SEC. 2. That John W. Lacky, Hugh Wilkins, Wilson Shreeves, John S. Linsey, H. W. Darnall, L. T. Templeton and William Morrow, be and they are hereby appointed Trustees of said town, who shall continue in office for one year, and until their successors are duly elected and qualified: that an election for Trustees of said town shall be held on the first Monday in March, in the year eighteen hundred and forty seven, and on that day in each year thereafter, and all persons residing therein, who are by law entitled to vote for representatives in the General Assembly, shall be entitled to vote for Trustees of said town.

When elections for Trustees to be held.

Trustees declared a body corporate and corporate powers.

SEC. 3. The Trustees of said town, by this act appointed, and their successors in office, shall be and are hereby created a body corporate and politic, with perpetual succession, and by the name and style of the Trustees of the town of Fairview, may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, and generally to do and perform all acts, matters and things incident to such corporations; shall have power to appoint a Clerk, Assessor, Collector, and Treasurer, and such other officers as they may deem necessary; prescribe their respective duties, fix their salaries, and may require of such officers, bonds with security for the faithful discharge of their duties; may fill all vacancies that

Clerk, assessor, collector & treasurer to be appointed, and bonds to be given.

may occur in their own body, or any of the offices aforesaid; may enact all such by-laws and ordinances as may be deemed necessary and proper for the good government and well-being of said town, and such by-laws and ordinances may be enforced by warrant before any Justice of the Peace, to be executed by any Constable.

1846.

By-laws may be enacted.  
How enforced.

Sec. 4. That said Morrow shall, so soon as said town shall be laid off, and a plat thereof recorded, as herein directed, enter into bond with good security, payable to the Commonwealth of Kentucky, in the County Court of Christian, in the penalty of one thousand dollars, conditioned that he will convey by deed of general warranty to the purchasers, all lots sold in said town, upon the payment of the purchase money, upon which suit may be instituted by any person or persons who may be injured in any way by a breach of the condition of said bond.

Proprietor to give bond to convey lots.

Sec. 5. That said Trustees or their successors may levy, and cause to be collected annually, a poll tax from each and every person residing in said town, subject to county levy tax, not exceeding one dollar on each, and an ad valorem tax on the property in said town now subject to revenue tax, not exceeding fifty cents on each one hundred dollars worth of property, which tax shall be collected in the same manner that Sheriffs are authorized to collect taxes.

Taxes may be levied and collected.

Approved February 6, 1846.

#### CHAPTER 127.

AN ACT for the benefit of Jesse H. Cotton.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for Jesse H. Cotton to import into this State, from the State of Tennessee, a negro slave named Cain, given him by his father, without incurring the penalties of the law of eighteen hundred and thirty three.

Approved February 6, 1846.

#### CHAPTER 128.

AN ACT divorcing Elizabeth Cox.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Elizabeth Cox be and she is hereby divorced from her husband, George W. Cox; and that she be restored to all the rights and privileges of a single woman.

Approved February 6, 1846.



1846.

## CHAPTER 129.

AN ACT for the benefit of Philip Lightfoot, Sheriff of Breckinridge county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Second Auditor of Public Accounts be and he is hereby directed to issue his warrant on the Treasury in favor of Philip Lightfoot, Sheriff of Breckinridge county, for the sum of \$26, being the amount of interest to which he has been subjected by a judgment of the General Court, in February, 1845, for failing to pay his revenue for the year 1844, in proper time.

Approved February 7, 1846.

## CHAPTER 130.

AN ACT for the benefit of William Price, of Oldham county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Second Auditor of Public Accounts be and he is hereby directed and required to issue his warrant on the Treasury in favor of William Price, of Oldham county, for the sum of twenty dollars, being his expenses for conveying to the Lunatic Asylum and back, Samuel Owls, a lunatic, by order of the Oldham Circuit Court, which warrant the Treasurer is directed to pay out of any money in the Treasury not otherwise appropriated.

Approved February 7, 1846.

## CHAPTER 131.

AN ACT concerning the town of Russellville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That, from and after the passage of this act, all taxes levied on citizens or owners of property, in the town of Russellville, for the improvement of the streets in said town, shall be expended under the direction of the Trustees of said town, any law to the contrary notwithstanding.

Approved February 7, 1846.

## CHAPTER 132.

AN ACT for the benefit of Mrs. Diana McGuire.

Preamble.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that Mrs. Diana McGuire, of Floyd county, Kentucky, has a son an idiot; that she is a widow without any property, and is greatly in need of immediate assistance of the State. For remedy, therefore:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Anthony H. McGuire, an idiot, of Floyd county, and son of Mrs. Diana McGuire, shall be al-

Idiot allowed \$50.

lowed the sum of fifty dollars, per annum, for his support and maintenance, commencing on the first day of December, 1845; and the Second Auditor shall issue his warrant in favor of Mrs. McGuire, on the Treasury, therefor, which sum shall be paid quarterly, as in other cases: *Provided*, that no payments shall be made, after the next sitting of the Floyd Circuit Court, unless said court, by inquisition or inspection, or otherwise, shall deem the said Anthony McGuire a person destitute of mind and reason; and that, also, the idiot has no estate in possession or remainder, and that his mother hath not sufficient estate to maintain him for one year.

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SEC. 2. *Be it further enacted*, That the Circuit Court shall have power to appoint a committee, as in other cases, and shall, also, at the next term of the Floyd Circuit Court, certify the condition of the said Anthony H. McGuire to the Second Auditor, after said court, by inspection or inquisition, hath ascertained him to be an idiot.

Idiot's condition certified to Auditor.

Approved February 7, 1846.

CHAPTER 134.

AN ACT for the benefit of Joshua P. Owens, James S. Owens, and Margaret F. Owens, infant heirs of Jeremiah Owens, deceased.

**WHEREAS**, it is represented to the present General Assembly, that Vernon A. Wheat, late guardian for Joshua P. Owens, James S. Owens, and Margaret F. Owens, infant heirs of Jeremiah Owens, deceased, became greatly embarrassed in his pecuniary circumstances; that he surrendered his guardianship, and Edward Kimball was appointed his successor; that said Wheat is indebted to said infants about two thousand dollars; and that the securities of said Wheat, or one of them, owns, and has title to a tract of land lying in Adair county, about three miles from Columbia, containing two hundred and twenty five acres, more or less: and it is represented that it would be greatly to the interest and advantage of said infants, that their guardian be authorized to purchase or receive said tract of land at a fair valuation, in payment, or part payment, as the case may be, for the claim against their former guardian. **Therefore:**

Preamble.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for Edward Kimball, guardian for said Joshua P. Owens, James S. Owens, and Margaret F. Owens, to present his petition to the Adair Circuit Court, verified by his oath, setting forth all the facts and circumstances connected with the claim of his wards against their former guardian; and if said court shall be of opinion, under all the circumstances, it would be to the interest and advantage of said infants, that said tract of land should be received by him at a fair valuation, in payment, or part payment of said debt, an order to that effect may be directed and enter-

May present petition in court.

Court may order land to be received in payment of the debt, &c.

1846.

Title of the  
land vested in  
said heirs.

ed by said court; and said court shall then appoint three discreet citizens of Adair county, any two of whom may act, to value said tract of land, and it shall be the duty of the persons making said valuation, to make a written report thereof to the said Circuit Court, and if the same is approved by the court, said report shall be received by the Clerk thereof, and, thereupon, the title, in fee simple, in and to said tract of land, shall be vested in said Joshua P. Owens, James S. Owens, and Margaret F. Owens, and to be held by said Edward Kimball, as their guardian; which conveyance, when made and acknowledged before said court, shall be effectual, in law and equity, to pass the title to said Joshua P. Owens, James S. Owens, and Margaret F. Owens, and shall be certified to the clerk of the Adair County Court for record.

Approved February 7, 1846.

#### CHAPTER 135.

AN ACT authorizing the improvement of the streets and alleys in the town of Bowlinggreen, and for other purposes.

Upon petition  
in writing of  
property hold-  
ers, Trustees  
may order  
streets to be  
McAdamized  
and paved.

Costs thereof,  
how paid.

Lien on lots  
for payment, &  
how enforced.

Trustees may  
license Coffee  
Houses.

**Sec. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That, from and after the passage of this act, when a majority of the owners of lots or parts of lots, fronting any streets or alley, or parts thereof, within the corporate limits of the town of Bowlinggreen, shall petition, in writing, the chairman and trustees of said town to have said streets or alleys, or parts thereof, graded and McAdamized, the said trustees are hereby empowered to put the same under contract—twenty feet of the centre of the street, or part thereof, so graded, paved or McAdamized, to be at the cost and expense of the town, to be paid out of the ordinary revenue thereof—the remainder to be at the costs and expense of the property holders, and assessed in proportion to the number of feet fronting the street: *Provided, however,* if any property holder shall complete the improvement from, and opposite to, his, her or their lot, within ten feet of the centre of the street, so as to coincide with the work done by the contractor, then his property shall not be taxed for the improvement, other than what is paid by the town. All contractors under this act, or an ordinance made in pursuance thereof, shall hold a lien on each lot fronting the improvement for the tax due, which may be enforced by bill filed in the Warren Circuit Court, or by suit at law, against the owner: *Provided, also,* that no persons shall petition but those owning property fronting the improvement sought to be made.

**Sec. 2.** *Be it further enacted,* That, from and after the passage of this act, the chairman and trustees of said town shall be and are hereby empowered, at their discretion, to grant licenses for the keeping of Restaurateurs or Coffee Houses, within the corporate limits of said town—said persons, ob-

taining licenses, to pay a tax to the town of not less than fifty dollars. The chairman and trustees shall have power to suspend any license, having first given the party three days' notice to appear before them, whenever, in their judgment, the good order of the town requires it.

1846.

Tax thereon.

License may be suspended.

SEC. 3. That so much of the 9th section of an act, entitled, an act to incorporate the town of Frankfort, approved 28th February, 1835, which is adopted and made applicable to the town of Bowlinggreen, as authorizes the Treasurer of said town of Bowlinggreen to receive and receipt for taxes, be and the same is hereby repealed; and, hereafter, the Marshal of said town shall collect all the taxes due therein.

Act authorizing Treasurer to receive taxes repealed.

Approved February 7, 1846.

#### CHAPTER 136.

AN ACT for the benefit of the First Presbyterian Church of Shelbyville.

WHEREAS, by the act incorporating the First Presbyterian Church of Shelbyville, the Trustees and Session of the church are empowered to acquire and hold real estate, but not to sell or dispose of the same: and, whereas, it is represented to the General Assembly, that said Trustees and Session are seized and possessed of the fee simple title to the building now used by said church for public worship, and to the grounds thereto attached, in the town of Shelbyville: and, whereas, said church desire to be empowered to sell said house and lot whenever they may deem the sale thereof expedient. Therefore:

Preamble.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Trustees and Session of the First Presbyterian Church of Shelbyville be and they are hereby authorized and empowered, with the advice and consent of the members of said church, upon their records expressed, to sell and dispose of the house and lot mentioned in the foregoing preamble, for the use and benefit of said church, or for any purpose to which the church may direct; and by their deed, duly acknowledged, to transfer and convey the fee simple title to the same.

May sell and convey church lot.

Approved February 7, 1846.

#### CHAPTER 137.

AN ACT to establish the University of Louisville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an institution of learning shall be and the same is hereby established and incorporated in the city of Louisville, and, that George W. Weissinger, Garnett Duncan, Samuel S. Nicholas, Wm. E. Glover, W. S. Vernon, Isaac Everett, James Marshall, Henry Pirtle, James Guthrie, Chapman Coleman, William F. Bullock, shall be and they are

University incorporated.

1846.

President & Trustees may establish departments and appoint & remove faculty, professors, &c.

May appoint officers, &c.

May confer degrees.

Trustees to choose President from their own body.  
Tenure of Presidency.

hereby appointed Trustees of said University, and shall have perpetual succession; and that they, and their successors in office, shall be a body politic and corporate, in law, under the name and style of the President and Trustees of the University of Louisville; and by that name and style may sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with, in all courts of law and equity of this Commonwealth; and shall have power and authority to acquire and hold all such real and personal estate, money, goods, or chattels, as may be necessary, convenient and proper for all or any of the departments of the University aforesaid: and by that name and style shall, also, have power and authority to acquire and hold real and personal estate, sufficient to yield an annual income, rent, or interest, not exceeding \$40,000 per annum; and, from time to time, if by them deemed expedient, to sell and convey the same, and to re-invest or dispose of the proceeds in such manner as the interests of said University may require; and shall have and use a common seal, and the same may alter or renew at pleasure; and may pass all needful and necessary by-laws and regulations, not contrary to the constitution and laws of this Commonwealth, and may change, modify and repeal the same at pleasure, and reenact others, from time to time, as the interests of said institution may require. And the said President and Trustees of the said University of Louisville, shall have full power and authority to establish all the departments of a University, for the promotion of every branch of science, literature and the liberal arts; and, also, may establish faculties, professorships, lectureships and tutorships, and alter or abolish the same at pleasure; and may appoint a faculty, professors, lecturers and tutors thereto, and may remove any one or all of them at pleasure, and appoint others in their stead.

Sec. 2. That the said President and Trustees may appoint a Treasurer, Secretary, and Librarian, and such other officers and agents as they may deem necessary for the purposes of education and the prudential management of the fiscal and other concerns of said University; and may require bond and security from the said Treasurer, Secretary, Librarian, and other officers, for the faithful discharge of the duties imposed upon them. And the said President and Trustees may grant and confer all degrees usually conferred in colleges or universities; and, generally, shall have and exercise all other power and authority necessary and proper for an extended university of learning.

Sec. 3. That the said Trustees shall, from time to time, choose one of their own body as President. The President shall hold his office during the pleasure of the board, or such time as fixed by the by-laws, or until vacated by death, resignation, or removal from the county, or removal by a majority of the Trustees. After the election of President, the residue of the Trustees shall class themselves into five equal classes; the

first class shall go out of office on the 1st of March, 1848; the second class on the 1st of March, 1850; the third class on the 1st of March, 1852; the fourth on the 1st of March, 1854, and the fifth class on the 1st of March, 1856; and the mayor and council of the city of Louisville, a majority of all elected concurring, shall fill all the vacancies which shall arise in the office of Trustees, by the lapse of time; and those who are thus chosen, shall hold their office for the term of ten years; and the mayor and council, a like majority concurring, shall also fill all vacancies which shall arise from death, resignation, or removal from the county, or otherwise, for the balance of the term of the Trustees whose office shall be vacated: *Provided*, that if the mayor and council shall, from any cause, fail to fill any vacancy which shall arise in the Board of Trustees, for the space of thirty days, the President and Trustees shall have a right to fill the same: *And, provided*, that when the office of President shall become vacant, from any cause, the Trustees may choose a President, *pro tem.*, until another Trustee shall be elected, after which a President shall be chosen.

SEC. 4. That the said President and Trustees shall, at the close of each academic year, make a report of the condition of each department of the University, of the condition of the buildings, library, apparatus, &c., belonging to the same, to the mayor and council, aforesaid, who shall have the right, at all times, of enquiring into the same.

SEC. 5. That all gifts, grants, donations, endowments, and bequests, which may be hereafter made or granted to any one department of said University, or to any professorship, tutorship, or lectureship, therein or thereof, shall be held by the President and Trustees, aforesaid, in trust for the department, professorship, tutorship, or lectureship, designated in such gift, grant, donation, endowment, or bequest; and shall be faithfully applied for the object designated, and none other: *Provided*, that such gifts, grants, donations, endowments, or bequests, to said University, not designating the purpose for which made, shall be taken as made to the departments of said University other than the medical and law departments.

And, whereas, on the 21st day of November, 1837, the city of Louisville, of the first part, in accordance with certain resolutions of the citizens of Louisville, passed at a public meeting held at the Radical church in Louisville, conveyed to the President and Trustees of the Medical Institute of Louisville, all that square of ground in Louisville, bounded by Chesnut, Magazine, Eighth and Ninth streets, for the purpose of erecting buildings for a Medical College, and for other purposes, as in said deed and resolutions is fully set forth; and in said deed it is stipulated and covenanted by the parties of the second part in said deed mentioned, who are the President and Trustees aforesaid, that they will, and that their successors shall, in case a charter for a College or University shall be obtained, and on being requested so to do by the mayor and council of

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Mayor and council of Louisville to fill all vacancies in Trustees. Tenure of Trustees ten years.

Proviso.

Further proviso.

Pres't and Trustees make full and complete report each year.

Gifts, endowments, &c. to be faithfully applied to the objects specified by donors.

Proviso.

Recital.

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Medical Institute shall convey square of ground, library, apparatus, &c., to University.

Medical Institute then cease as a distinct corporation: and to be merged in the University

Provide.

Act for benefit of Louisville College repealed.

Proceeds of sales of Seminary lot applied to University:

Professors of Medical Institute to remain Professors in Medical Department of University:—may be removed, &c.

Whom may attend lectures gratis.

said city, convey to the Trustees of such College or University, so chartered, the square of land aforesaid, and all the improvements thereon, and the library, apparatus, &c., belonging to said establishment at the time such conveyance is or ought to be made. Now,

SEC. 6. *Be it enacted*, That when the said President and Trustees, or the said President and Managers, of the Medical Institute of Louisville shall, upon the request of the mayor and council aforesaid, have conveyed to the President and Trustees of the University, by this act chartered and incorporated, or their successors, the said square of ground, bounded and described and conveyed by the said deed, dated November 21st, 1837, together with all the improvements thereon, and the library, apparatus, &c., belonging to said establishment, that then, and in that case, the said Medical Institute shall cease to exist; and all acts incorporating or creating the same, shall be thenceforth deemed to be repealed, and the Medical School established by said Institute, together with all its rights and privileges, shall thenceforth become the Medical Department of the University of Louisville, and shall thenceforth be under the control of the President and Trustees of said University, and their successors, to all intents and purposes: *Provided*, that the President and Trustees of said University shall never appropriate, nor shall the mayor and council of Louisville appropriate, the Medical College building, on said square, and the library, apparatus, museum, &c., belonging to the same, to any other purpose than to the use and purpose of the Medical Department of said University: nor shall the profits, fees, or revenues, of any department of said University be diverted from the use of such department.

SEC. 7. *Be it further enacted*, That from the date of this act going into operation, the act, entitled, an act for the benefit of the Louisville College, shall be no longer in force, and that the proceeds arising from the sales of the Seminary lot, so called, lying on the west side of Eighth street in Louisville, now or to be hereafter made by the mayor and council of Louisville, shall be applied by and under the direction of the said mayor and council to the erection of buildings on said square for the Academic Department of said University.

SEC. 8. That the Professors now in office in said Institute, according to the organization of said Institute, shall continue to be Professors in the Medical Department of said University, during the pleasure of the President and Trustees of said University; and they, or any one of them, may be removed by the said President and Trustees, and others appointed in their places; but not less than a majority of said Trustees shall have power to remove or appoint any Professor in said Medical or Academical or other department of said University.

SEC. 9. That the pupils of one class of the Academical Department shall be entitled to attend, annually, without compensation, a course of lectures on anatomy and physiology,

and a course on chemistry; and that one class of the Law Department shall have the right to attend, annually, a course of lectures on medical jurisprudence, also without compensation; and each department shall, if required, receive from the public schools of the city of Louisville, without charge, any number of pupils, not exceeding six, to each department: *Provided*, that the pupils shall have been in said schools at least two years, and shall have been recommended to the Trustees of said University by the mayor and council aforesaid, and, after examination by the Professors of the departments into which they wish to be admitted, shall have been found qualified.

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Proviso.

SEC. 10. *Be it further enacted*, That this act shall take effect on the 15th day of March next.

Approved February 7, 1846.

CHAPTER 138.

AN ACT providing for a change of venue in the prosecution against Robert Simmons, in the Allen Circuit Court.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a change of venue is granted to Robert Simmons, for the trial of an indictment for arson now pending against him in the Allen Circuit Court, upon the election and consent of the said Robert Simmons, on the calling of said indictment at the next term of the Allen Circuit Court, being entered upon the records of the Allen Circuit Court that he prefers to be tried on said indictment in the Circuit Court of Monroe county: and when said Robert Simmons shall have made his election to be tried in the Monroe Circuit Court, then, and in that event, it shall be the duty of the Judge of the Allen Circuit Court to make all the necessary orders, and do all things necessary to secure the appearance and trial of the said Robert Simmons, on said indictment, in the Monroe Circuit Court.

SEC. 2. When the indictment in the case shall have been removed from the Allen to the Monroe Circuit Court, and the said Robert Simmons committed to the jail of Monroe county, or recognized to appear at the Monroe Circuit Court, (should he be admitted to bail,) then the said Monroe Circuit Court shall have as full power and jurisdiction to hear and determine said indictment, as though the same had been found originally in said court, and the offence charged in said indictment had been there committed, as also to require the attendance of witnesses, and to renew their recognizances; and to do any and all other things requisite to insure a fair, impartial and speedy trial on said indictment: and it shall be the duty of the Judge of the Allen Circuit Court to recognize the witnesses, as well on the part of the Commonwealth as the said Simmons, (if they or any of them shall be in court,) to appear



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in the Monroe Circuit Court, to give evidence in said prosecution; and the said Monroe Circuit Court shall proceed, upon all such recognizances, in the same manner as if entered into in that court.

SEC. 3. It shall be the duty of the Clerk of the Allen Circuit Court, upon the election of said Simmons being made, as herein provided, to transmit to the Clerk of the Monroe Circuit Court the indictment and recognizances, and other papers, with a transcript of all orders and entries which shall have been made in said case, and shall take a receipt from the Clerk of the Monroe Circuit therefor.

SEC. 4. That in case said indictment shall be quashed on motion, or ruled bad on demurrer, a new indictment may be found by a grand jury of Monroe county, to be empannelled by the Monroe Circuit Court on the motion of the prosecuting Attorney, or by the regular grand jury, if in session.

Approved February 10, 1846.

#### CHAPTER 139.

AN ACT providing for a change of venue in the prosecution against Henry Green.

Venue changed from Jefferson to Spencer.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for Henry Green, who stands indicted in the Jefferson Circuit Court for passing counterfeit money, on or before the calling of said indictment for trial, at the first term of the Jefferson Circuit Court succeeding the passage of this act, to appear in said court, and elect to be tried in the Spencer Circuit Court; and upon such election being made, the Jefferson Circuit Court shall recognize the said Green, by competent securities, in a sufficient penalty, to be and appear in the Spencer Circuit Court to answer said indictment, (provided said Green shall be prepared to give bail,) and shall, also, recognize the witnesses, as well on the part of said Commonwealth as for said Green, if they, or any of them, shall be in court, to appear in the Spencer Circuit Court to testify in said case for the Commonwealth and the accused; and the Clerk of the Jefferson Circuit Court shall transmit the said indictment, and all the papers in said case, together with a full and complete transcript of all the orders of said court, made in said case, to the Clerk of the Spencer Circuit Court, who shall receive and file the same in said court, as a part of the records of said court; and, thereupon, the Spencer Circuit Court shall have as full and ample power and jurisdiction to try said case, as though it had originated in the Spencer Circuit Court, and had been an indictment properly found by the grand jury of said court; and in the event that the indictment shall be quashed, or ruled bad on demurrer, or the judgment shall be arrested for any cause whatever, the said Green shall not be discharged therefor, but

he may be again indicted by the regular grand jury, if in session, or the court may order a grand jury for that purpose, if required by the prosecuting Attorney; and, thereupon, said case, on such indictment found, shall be proceeded with, in all particulars, as if the offence had originated in Spencer county. That the same fees and mileage shall be allowed to witnesses, for mileage and attendance, as in other cases; to be paid in the way pointed out by law.

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Approved February 10, 1846.

#### CHAPTER 140.

AN ACT for the benefit of Wm. H. Stephens, and the heirs of Solomon Derosssett, deceased.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for William S. Hickman, guardian of William H. Stephens, to file his bill in the Anderson Circuit Court, praying said court for the sale of certain slaves belonging to his said ward. That said Hickman, guardian as aforesaid, shall set forth fully in his bill the ground upon which a sale of said slaves is prayed for; that said William H. Stephens shall be made a defendant in said bill, and shall be duly served with process; that it shall be the duty of the Judge of the Anderson Circuit Court to appoint some proper person a guardian *ad litem*, to attend to and defend for said infant defendant, William H. Stephens, during the pendency of said suit; that said complainant shall set forth, in said bill, the names, ages and sexes of said slaves; that the Judge of said court shall cause the proof in said cause to be taken by depositions, sustaining the allegations as set forth in said bill; that it shall be the duty of said complainant to give notice to the guardian *ad litem* appointed to defend for said William H. Stephens, of the time and place of taking the depositions, and that it shall be the duty of said guardian, so appointed, to attend to the taking of said depositions.

Court authorized to decree a sale of slaves of Stephens.

SEC. 2. That if it shall appear to the Judge of the said Anderson Circuit Court, that it will be, in his opinion, to the advantage of said ward to sell said slaves, he shall enter a decree in said case, directing said slaves to be sold, upon such credit as he shall deem expedient; and for that purpose shall, in said decree, appoint some suitable person a commissioner to carry said decree into effect, whose duty it shall be to duly advertise and sell said slaves, taking bond with good and sufficient security, from the purchaser or purchasers of said slaves; and that said commissioner shall report the same to the Anderson Circuit Court; which said bonds shall be made payable to said commissioner, for the use and benefit of said William H. Stephens.

SEC. 3. That before the said William S. Hickman, guardian as aforesaid, shall be entitled to receive the money aris-

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A sale of  
lands of De-  
rossett autho-  
rized.

ing from the sale of said slaves, he shall enter into bond, in the office of the Anderson Circuit Court, in sufficient penalty, conditioned to pay over the amount arising from the sale of said slaves to his successor, should one be appointed during the minority of his said ward; and if not, then to his said ward, William H. Stephens, with legal interest thereon, when he arrives at the age of twenty one years; which said bond shall be approved of by the Judge of the Anderson Circuit Court.

SEC. 4. *Be it further enacted*, That it shall be lawful for any one of the heirs of Solomon Derossett, late of Floyd county, to file a bill in chancery in the Floyd Circuit Court, praying for the sale of the town lots owned by him in his life time, in Prestonsburg, Kentucky, making all the heirs defendants to the bill; and, if it shall appear to the interest of the heirs, the court shall direct at the first term of said court, if the process is duly executed ten days before court, the sale of the same, on such credit and terms as the chancellor may deem proper; and, upon a sale being made by a commissioner and the same approved, the court shall direct a deed to be made, in fee simple, to the purchaser, and the money arising from said sale shall be distributed according to law.

SEC. 5. *Be it further enacted*, That the purchaser shall execute a bond, with security, payable to the heirs, which shall have the effect of a replevin bond: *Provided*, before any sale shall be made, the court, shall appoint two disinterested persons to ascertain the value and productiveness and condition of the real estate sought to be sold; and a lien shall be retained on the lots until the purchase money is paid.

Approved February 10, 1846.

#### CHAPTER 141.

AN ACT for the benefit of Lewis Barrett.

May import  
a slave.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Lewis Barrett, of Hart county, be and he is hereby authorized to bring into this State a slave named Manson, or take possession of said slave if found in this State, without incurring the penalties of the act of 1833: *Provided*, that the said Barrett shall, within sixty days after obtaining the possession of said slave, make affidavit, and cause the same to be noted of record in the Hart County Court, that said slave was introduced into this State for his own use, and not for sale.

Approved February 10, 1846.

CHAPTER 143.

AN ACT for the benefit of Elijah McWhorter, of Clay county, and William J. Mayo, of Floyd county.

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William J. Mayo shall be paid, by the Second Auditor of public accounts, the sum of eleven dollars sixty two cents, for the guard who aided him in conveying John Spradlin, a lunatic, from Floyd county to the Lunatic Asylum; who shall draw his warrant on the Treasurer for that amount, who shall pay the same out of any moneys in the treasury not otherwise appropriated.

Allowance to Mayo.

SEC. 2. *Be it further enacted*, That Elijah McWhorter be allowed the time of two years, after the passage of this act, to collect the revenue and county levy of Clay county.

Further time given to McWhorter.

Approved February 10, 1846.

CHAPTER 144.

AN ACT to change the names of Amanda Jane Hinds and others, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the names of Sarah Ann Mullins, Amanda Jane Mullins, Martha Mullins, and Katharine Mullins, children of Thomas Hinds and Minerva his wife, late Minerva Mullins, be and the same are hereby changed to the names of Sarah Ann Hinds, Amanda Jane Hinds, Martha Hinds, and Katharine Hinds; and they are hereby legitimated and made capable, in law, to inherit as children and distributees of the estate of their father, the said Thomas Hinds, as much so as though they had been born in lawful wedlock.

Mullins changed to Hinds.

SEC. 2. That the name of Mary M. Graham be and is hereby changed to that of Mary M. McIntire, her maiden name.

Graham changed to McIntire.

SEC. 3. That the name of Henry Lewis Price, of Green county, be and the same is hereby changed to that of Henry Lewis Tucker; and he is hereby legitimated and made capable of inheriting the estate of his father, Richard Tucker.

Price changed to Tucker.

Approved February 10, 1846.

CHAPTER 146.

AN ACT for the benefit of the heirs of Redmond F. Monday.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the Judge of the Hancock Circuit Court, upon the petition of the widow and infant heirs of Redmond F. Monday, deceased, and the administrator being made a party thereto, to decree the sale of so much of the lands of said decedent, situate in Hancock county, as may be sufficient to pay the balance of

Court authorized to decree a sale of lands to pay debts.

1846.

the debts of said decedent, after deducting the amount of the assets, of every description whatsoever, which are or may be in the hands of the administrator, except the slaves, if, in the exercise of a sound, equitable discretion, said court shall be of opinion that it would be to the permanent advantage of said widow and heirs to sell said land instead of the slaves: and to effectuate the objects of this act, full power and jurisdiction is hereby conferred upon said court to bring all necessary parties before the same; to appoint one or more commissioners to ascertain the nature, value and profits of said slaves and land; the amount of assets and liabilities of said estate; and to sell and convey, and for all other purposes which may be deemed necessary and proper, and in conformity with the equitable practice of the court, and to decree accordingly.

Lands of Andrew Hamilton, deceased, may be sold, &c.

SEC. 2. *Be it further enacted*, That it may be lawful for the said court to decree the sale of any or all of the lands and tenements of Andrew Hamilton, deceased, situate in Hancock county, in accordance with the provisions of "an act vesting jurisdiction in the Circuit Courts, to authorize the sale of the real estate of infants in certain cases," approved February 3, 1813, except that the application may be made by the next friend of the infants, heirs of said decedent, and if such next friend shall fail to give security, as required by the fifth section of said act, it may be lawful for the court to cause the land to be sold notwithstanding, and require bond to be taken to the infant or infants, severally, for their interests, payable when such infants may arrive at the age of twenty one years, with interest, payable annually, and requiring a lien to be retained to secure the same: and such bond shall be a record of said court, and have the force of a replevin bond: and it shall be lawful for said court, from time to time, on the application of said infants, or his, her or their legal guardian, to cause an execution to issue on said bond, for such interest, on failure of the purchaser to pay the same: said court may, also, authorize the commissioner to sell either publicly or privately, subject, however, to the approval of the court, and on such time as the court may deem best.

Approved February 10, 1846.

#### CHAPTER 147.

AN ACT for the benefit of Albert Allen, and Ann E. Allen, his wife.

Fayette Circuit Court may decree a sale of a tract of land and have the proceeds vested in other land.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for Albert Allen, and Ann E. Allen, his wife, to file their bill or petition, in chancery, in the Fayette Circuit Court, and shall state in said bill or petition, that it is necessary, and would be to their mutual interest and advantage to sell the tract of land owned by the said Ann E. Allen previous to her marriage with the said Albert Allen, and to which she had title, lying and

1846.

being in the county of Jessamine, containing about three hundred acres; and shall file, with said bill or petition, the deed, will, or other evidences of title, to the land proposed to be sold; which bill or petition shall be verified by the oath of said Albert Allen: it shall and may be lawful for said court to decree a sale of said tract of land, upon such terms and credit as said court may deem most advisable, and shall direct the proceeds thereof to be appropriated to the purchase of other lands, the title to which shall be vested in the said Ann E. Allen, wife of said Albert, provided said court shall be of opinion, from the evidence, by proof made in court by deposition, that it would be to the interest and advantage of said Albert Allen and Ann E. Allen, his wife, to sell said tract of land aforesaid, and vest the proceeds of the sale of said tract of land in other lands.

**Sec. 2.** That the court shall appoint a commissioner to make said sale, collect and receive the purchase money, and apply the purchase money to the payment of other lands that may be purchased by said commissioner, who shall be authorized and directed by said decree to purchase other lands for the said Ann E. Allen; and the court shall direct, in said decree, the title of the tract of land, so purchased, shall be vested, by deed, with clause of general warranty, in the said Ann E. Allen: and before the commissioner, that may be appointed by the decree of said court, shall act, he shall be required to give bond, and good security, to be approved of by said court, for the faithful discharge of the duties imposed upon him by this act, and the decree of the court: and the court, in said decree, shall direct said commissioner to convey said tract of land to the purchaser or purchasers, upon the payment of the purchase money; which deed shall be acknowledged and approved in open court, and shall be certified to the Clerk of the Jessamine County Court for record; and the deed, vesting the title to the tract of land that the commissioners may purchase for the said Ann E. Allen, shall be examined and approved by said court, before the same shall be admitted to record in the proper office: *Provided, however,* that before a decree shall be rendered by said Fayette Circuit Court, said land shall be valued, by commissioners appointed according to the first section of the act, approved February 3, 1813, entitled, "an act vesting jurisdiction in the Circuit Courts to authorize the sale of the real estate of infants in certain cases."

Approved February 10, 1846.

CHAPTER 148.

AN ACT to amend an act, entitled, an act to incorporate the Louisville and Portland Railroad Company, approved March 2d, 1844.

WHEREAS, the corporation created by the act, entitled, "an act to incorporate the Louisville and Portland Railroad

Preamble.

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Company," approved March 2d, 1844, has been duly organized, and has ascertained that the railroad referred to in said act, is greatly out of repair, and that, to make it profitable, it is important to make it connect the Portland wharf with the Louisville wharf, and that to accomplish this object it will be necessary for said corporation to raise and expend a considerable sum of money. Therefore:

May borrow money.

New and additional stock may be admitted.

Amount of stock in trust for institution of blind to be fixed.

Proviso.

New subscribers entitled to vote.

Road to be made from Louisville to Portland and location may be changed.

Dividends to be made and paid over.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said corporation is hereby given and granted power and authority to borrow money from any individual or corporation, not exceeding one hundred thousand dollars, on the faith of the property to said corporation belonging; and that, if it shall seem best to the President and Directors of said corporation, they shall have the power and authority to admit new and additional stockholders into said corporation, upon their paying into said corporation such sum or sums as may be agreed upon with, or required by, the said President and Directors: and, to this end, it shall be lawful for said President and Directors to fix, by resolution on the records of said corporation, the amount of stock which they have in trust and for the use of the Kentucky Institution for the education of the blind, and, after so doing, to open books, from time to time, for the subscription of any amount of additional stock they may think proper to admit, which new stock may be subscribed by individuals or corporations: *Provided, however*, that nothing herein contained shall be so construed as to allow said Institution or Company to incur any debt chargeable to the State, or upon such property as the State has heretofore purchased for said institution, and now owns.

SEC. 2. That upon the subscription of such new stock, the subscribers thereof shall be entitled to such voice and control in the management of said road, and in such manner as may be agreed upon by them and the said President and Directors.

SEC. 3. That it shall be lawful for said corporation to make said road, from any part of said city of Louisville to any part of the town of Portland, with the assent of the municipal corporations of Louisville and Portland, and to change, in their discretion, the location of any part or parts of said road; and if it shall be necessary for them to condemn any ground for the use of said road, they shall have the power to do so, in the way and upon the terms set forth in the act, entitled, an act to incorporate the Lexington and Ohio Railroad Company.

SEC. 4. That the President and Directors of said corporation shall make dividends, of the net profits, with any new stockholders that may be admitted, in proportion to the amount of stock held by each stockholder; and that the proportion of the profits that may be declared upon the stock that may be placed to the credit of the President and Directors,

under the provisions of this act, shall be paid over to the Kentucky Institution for the education of the blind, which is a State Institution, clothed with proper powers to attend to the support and education of blind persons of this Commonwealth.

SEC. 5. That so much of the act, aforesaid, as limits the term of the charter to thirty years, be and the same is hereby repealed.

Limitation to charter repealed.

SEC. 6. That if the State, or any private company chartered by the State, should, at any time hereafter, complete the railroad from Lexington or Frankfort to Louisville, either upon the location and survey heretofore made, or a location hereafter made, by authority of the State, the right and privilege of connecting said Lexington and Ohio Railroad, to the road mentioned in the foregoing sections of this act, at any point which may be selected under the authority of the State for that purpose, is hereby reserved and confirmed to the State; and, when so connected, the use of said road, mentioned in the foregoing sections of this act, shall remain free for the State; but the use of said road, by the State, shall be exercised as not to prevent a concurrent use by the company mentioned in the foregoing sections of this act: *Provided*, that such private company, from Lexington or Frankfort, shall pay the Louisville and Portland Company for such use; but shall not be compelled to unload or re-ship till their cars reach Portland; and if the two companies disagree, as to the amount to be paid, the chancellor of Louisville shall determine and settle the amount.

Lexington and Ohio Railroad may be connected with road if ever completed.

Terms on which it may be done.

Approved February 10, 1846.

#### CHAPTER 149.

AN ACT incorporating the Covington and Cincinnati Bridge Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James Goodloe, George Carlisle, E. Foote, Robert Buchanan, Thomas H. Minor, and William S. Johnston, of Cincinnati, Ohio; James G. Arnold, John S. Finley, John B. Casey, Charles A. Withers, Herman J. Groesbeck, Frederick G. Gedge, John McNickle, George M. Southgate, and Mortimer M. Benton, of the city of Covington, with their associates, be and they are hereby created a body politic and corporate, by the name of the Covington and Cincinnati Bridge Company, for the purpose of erecting and constructing a Bridge across the Ohio river, between the cities of Covington and Cincinnati; and they, and their associates and successors, shall continue and have perpetual succession, and by that name and style are hereby made as capable in law as natural persons, to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, in this Commonwealth and elsewhere, in all courts of

Corporators names.

Object of corporation. Name and style.

Corporate powers.



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law or equity: to make, have and use a common seal, and the same to break, alter and amend at pleasure; they shall, also, have the power to purchase and hold as much real estate as will be necessary for the site of said Bridge, or the sites for piers, abutments, toll-houses, and suitable avenues leading to said Bridge; also, to borrow money, not exceeding the capital stock mentioned in this act, but not to have or exercise the privilege of loaning money, or issuing bills or notes on banking principles; also, to ordain and establish such by-laws, ordinances, and regulations, as shall be necessary for the well-being and government of said corporation, not contrary to the laws of this Commonwealth, the State of Ohio, nor of the United States.

Capital stock.

SEC. 2. That the capital stock of said company shall consist of three hundred thousand dollars, divided into three thousand shares of one hundred dollars each, to be subscribed for and sold in the manner hereinafter mentioned.

Books for subscription of stock to be opened and subscriptions regulated.

SEC. 3. That within sixty days after the passage of this act, and the confirmation of the same by the State of Ohio, the persons before named, or a majority of them, shall cause a public advertisement to be made of the time and place of opening the books of subscription of the stock of said company, which books shall be kept open, under the direction of said persons, or a majority of them, not less than ten nor more than ninety days. If, however, at the closing of the subscription, it shall be found that a greater number of shares than three thousand have been taken, then, and in that case, the persons before named, or a majority of them, shall proceed to reduce the number of shares in an equitable and just proportion among the subscribers, not reducing any one below five shares; and they shall have the right to demand and receive, from every person subscribing for the stock of said company, a sum not exceeding ten nor less than one dollar on each share subscribed, at the time of making the subscription; and no subscription shall be deemed valid unless such payment is made, if required by the condition of the subscription.

When meeting of subscribers to be held.

President & Directors elected.

By-laws may be adopted.

Votes on stock.

SEC. 4. That when one thousand shares shall have been subscribed, the said persons, or a majority of them, shall advertise a meeting of the subscribers at Covington, giving at least fifteen days' notice of the time and place of such meeting; and the stockholders shall, thereupon, proceed to elect a President and six Directors; and those persons mentioned in the first section of this act, who shall not then be shareholders, shall cease to be members of this corporation: and the said shareholders shall, also, proceed to fix what compensation the said President and Directors shall be entitled to receive, if any be allowed; also, to ordain and adopt any such by-laws for the permanent organization of the said corporation as they may deem needful; at which meeting each shareholder shall be entitled to one vote for each share, to the number of fifteen, and to one vote for every five shares over fifteen, to the num-

ber of fifty, and to one vote for every ten shares exceeding fifty; and at all subsequent elections or general meetings of the stockholders, no shares shall be voted on that have not stood in the name of the person claiming to vote, at least three months previous to the day of election or meeting; and that the shares in said company may be voted on by proxies, duly recorded, conforming to the foregoing regulations.

SEC. 5. That the President and Directors first chosen, shall hold their offices until the first Monday in March, ensuing said election, and until others are chosen in their places; and so, on the first Monday in March, in each year, the stockholders of said company shall meet at their office in Covington, or at some place to be designated by the President, and then proceed to elect a President and six Directors, who shall be shareholders and residents of the States of Kentucky and Ohio, who shall hold their offices for one year, or until their successors shall be elected: public notice of such elections and meetings shall be given by the Clerk or Secretary of the company, in some newspaper in Covington, at least fifteen days previous thereto. At the annual meetings, a statement of the affairs of the company shall be made out by the President and Directors, and presented to such meetings, and such dividends of the profits declared as shall be deemed advisable.

SEC. 6. That the concerns of said corporation shall be under the control of said President and Directors; and the President and three Directors shall constitute a quorum to transact business, or in the absence of the President, any four of the Directors, one of whom shall act as President, *pro tem*. The President and Directors, after they have been duly elected, as aforesaid, may make such assessments on the shares of said company, as are subscribed, payable at such times as they may deem advisable, with such conditions of forfeiture for non-compliance, not exceeding the amount of the stock delinquent, as they may deem proper. They are to open and renew the subscription for the shares not already subscribed, or sell them and any forfeited shares as they may think best for the company: *Provided, however*, that no stock be sold by them for less than the par value thereof.

SEC. 7. That it shall be the duty of the President and Directors to appoint a Clerk or Secretary, and cause a record of their proceedings to be kept; they may also appoint a Treasurer, and such other officers and agents as they may think needful for promoting said undertaking, and allow them such compensation as they may agree on; to make contracts, and to do all things necessary to carry them into immediate effect; and to require and take such bonds or other surety, in their corporate capacity, from any person or persons they may so appoint or contract with; and in the event of death, resignation, or vacancy, from any cause, of the President or any Director, the survivors, or a majority of them, shall supply such

1846.

General election of President and Directors.

Corporation to be under the control of the President and Directors.

Payments on stock.

Subscription of stock may be renewed.

Clerk, Treasurer and other officers to be appointed and give bond.

Vacancies how filled.

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vacancy, until the next annual election, by the election of another stockholder.

Rates toll.

Report to be  
made to Legis-  
lature of tolls  
received.

SEC. 8. That the President and Directors shall have the right to fix the rates of toll for passing over said Bridge, and to collect the same from all and every person or persons passing thereon, with their goods, carriages, or animals, of every description or kind: *Provided, however,* that the said company shall lay before the Legislature of this State a correct statement of the cost of said Bridge, and an annual statement of the tolls received for passing the same, and also the costs of keeping the said Bridge in repair, and of the other expenses of the company; and the said President and Directors shall, from time to time, reduce the rates of toll, so that the net profits of said Bridge shall not exceed fifteen per centum per annum, after the proper deductions are made for repairs and charges of other descriptions. Toll gates shall be kept, and toll received at each end of the Bridge; and the rates of toll shall be posted up in some conspicuous place where the toll is demanded.

Certificates  
of stock: how  
issued.

SEC. 9. That certificates of stock in said company shall be issued under the seal of said corporation, in the form and manner designated by the by-laws of said company, which shall designate the mode of transfer.

Company to  
be liable for  
injuries caused  
by bridge.

SEC. 10. That said Company shall be held liable, by any appropriate action, for all injuries sustained by vessels or boats, rafts of plank, timber, or other lumber, passing up or down said river, in consequence of the construction of said Bridge, unless the injury shall be produced by the carelessness or neglect of the persons managing such vessels, rafts or boats. And it shall be unlawful for said company, their agents or officers, to suffer or permit any slave or slaves to pass over said Bridge, without a written request of the owner or owners of such slave or slaves, or without said slave or slaves shall do so in the company of such owner or owners; and said company shall be liable to pay to said owner or owners, for every slave so permitted to pass, contrary to the provisions of this act, the full value of said slave or slaves, to be ascertained by the verdict of a jury—together with a penalty of ten per cent. thereon, to be assessed by the judgment of the court, and all costs of suit—which shall be recovered by action of debt, or on the case, as the plaintiff may elect.

Not to allow  
slaves to pass  
over the bridge  
without per-  
mission of own-  
er: liabilities  
for so doing.

Service pro-  
cess.

SEC. 11. That it shall be sufficient service of process on the corporation hereby created, to execute a summons or other process on the President, Clerk, or Treasurer, or any one of the Directors; and process, so executed, shall authorize judgment at the first term, as in other cases, if no appearance should be entered or plea filed: *Provided, however,* The President, Secretary, or Treasurer, and three Directors shall reside in Kentucky, and either the one or the other of those officers, with three Directors, shall reside in the State of Ohio.

**SEC. 12.** That it shall be the constant duty of said company, from time to time, to light, during the night, in the centre of each pier in the river, if said Bridge should be constructed with piers; to remove all timber or drift of any description, which may lodge against any of the piers of said Bridge, and if they fail herein, they shall be liable to a fine of ten dollars for every twenty four hours it is suffered to remain, after allowing a reasonable time to remove the same, recoverable by indictment or presentment, in the Kenton Circuit Court; and shall be liable, moreover, civilly, to any person sustaining injury thereby.

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To keep lights upon piers at night, & drift cleared from piers.

**SEC. 13.** That nothing contained in this act shall be so construed as to authorize the said company to construct any Bridge which may obstruct the free and common navigation of the said river, Ohio.

Bridge not to obstruct navigation.

Approved February 10, 1846.

CHAPTER 150.

AN ACT for the benefit of Edward D. Stockton, of Estill county, and others.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Second Auditor of Public Accounts shall issue his warrant on the Treasury in favor of Edward D. Stockton for sixteen dollars, for waiting on and dressing the wounds of Lewis Adams, who was wounded in attempting to escape, being charged with horse stealing.

Allowance to Stockton.

**SEC. 3.** *Be it further enacted,* That the Second Auditor issue his warrant on the Treasurer in favor of Nathan Board and Richard Skillman for twenty dollars, for transporting a lunatic from Breckinridge county to the Lunatic Asylum at Lexington, by order of the Breckinridge Circuit Court, and which the Commissioners of said Asylum refused to pay, because, by mistake, the record did not state that said lunatic was a citizen of this State.

Allowance to Board and Skillman.

Approved February 13, 1846.

CHAPTER 151.

AN ACT for the relief of the administrator of William A. Pendleton, late Clerk of the Kenton Circuit and County Courts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the administrator of the estate of William A. Pendleton, late Clerk of the Kenton Circuit and County Courts, to list, with the proper officers, for collection, any fees which were due and unpaid to said Pendleton at his death, for services rendered by him as Clerk of said courts. And the officers, to whom such fee bills may be delivered, shall have the same power to levy and make distress for the same, as if they had been listed within the time

**1846.**

prescribed by existing laws: *Provided, however*, that said administrator shall, at the time he delivers said fee bills to the officers for collection, make affidavit, that such fee bills, to the best of his knowledge, information, and belief, are due, owing and unpaid: *And, provided, also*, that said administrator shall be liable, in the same manner and to the same extent, for issuing an illegal fee bill, as other officers now are by existing laws.

Approved February 13, 1846.

#### CHAPTER 153.

AN ACT for the benefit of John D. Howard.

Preamble.

WHEREAS, it is represented to the General Assembly, that John D. Howard is now in prison in the jail of Jefferson county, upon a charge of passing counterfeit money, and is bound to appear before the Circuit Court of said county at the next term thereof to answer said charge, and that he cannot have a fair trial in the county of Jefferson, owing to the prejudice against persons charged or suspected of passing counterfeit money in Jefferson county. Therefore:

May elect to be tried in the Bullitt Circuit Court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That upon an indictment being found against the said Howard, upon the charge aforesaid, a change of venue is hereby granted him, for the trial of such indictment, upon his election and consent, being entered on the records of the Jefferson Circuit Court, that he prefers to be tried, on said indictment, in the Bullitt Circuit Court. When the said Howard shall have made his election to be tried in the Bullitt Circuit Court, it shall be the duty of the Judge of the Jefferson Circuit Court to make all necessary orders to secure his appearance and trial in the Bullitt Circuit Court; and when said indictment shall have been removed from the Jefferson Circuit Court, and said Howard committed to the jail of Bullitt county, or recognized to appear in the Bullitt Circuit Court, then the said Bullitt Circuit Court shall have full power and jurisdiction to hear and determine said indictment, as though the same had been found in the said court; also, to compel the attendance of witnesses, and do all other things requisite to insure a fair trial of said Howard: and, upon said election being made, the Jefferson Circuit Court shall recognize the witnesses, as well on the part of the Commonwealth as the accused, (if he shall request it) to appear and testify in the Bullitt Circuit Court in said case. And in case said indictment shall be decided defective, for any cause, the election made shall authorize a new indictment to be found in the county of Bullitt. The Clerk of the Jefferson Circuit Court, on said change of venue being ordered, shall transmit the indictment, and other papers, with a transcript

Duty of the Jefferson Circuit Court.

Jurisdiction and powers given Bullitt Circuit Court.

Papers to be transmitted to the Bullitt Circuit Court.

of all orders made in the case, to the Clerk of the Bullitt Circuit Court, and shall take his receipt therefor.

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Approved February 13, 1846.

CHAPTER 154.

AN ACT for the benefit of the Common Schools in Graves county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Graves county shall, at their January term, 1847, or as soon thereafter as said court can do it, appoint a county Treasurer, who shall give bond, with two or more good securities, (to be approved of by said court,) in the penalty of six thousand dollars, conditioned for the faithful discharge of his duties as hereinafter prescribed; which bond shall be made payable to the Justices of the Graves County Court, and their successors: said Treasurer shall, also, take an oath for the faithful discharge of his duties.

County Treasurer for Graves county to be appointed: to give bond.

SEC. 2. That it shall be the duty of the said Treasurer, as soon as practicable after his appointment and qualification, as aforesaid, to collect from the Trustees of the Graves Academy, or their successors, or any of them, all sums of money, and interest, arising from the sales of the lands vested in them by an act, entitled, an act to incorporate the Graves Academy, and for other purposes, approved 13th January, 1837; and to enable him so to do, he is hereby authorized and empowered and required, (if necessary,) to apply to said court for a summons against said trustees, and their securities, notifying them to appear before said court, and show cause, if any they can, why the said court shall not proceed to render judgment against them for said money—which summons said court shall cause their clerk to issue upon the application of said Treasurer, as aforesaid; and it shall be a sufficient execution of said summons for the Sheriff to return on the same that he has left a copy at the house of the defendant, or it may be executed in the ordinary way.

Trustees of Graves Academy to pay over to Treasurer money, &c., in their hands.

How proceeded against for failure.

SEC. 3. That upon the return of said summons, the same having been executed in part, ten days before court, it shall be lawful for said court to abate said suit as to those defendants upon whom process has not been executed, and render judgment against those who may have been served with process, for whatever sum of money, and interest, may appear to be due from said trustees, as also for the costs of said suit; and said court shall order an execution, or executions, to issue therefor, or the cause may be continued for full execution of process: nor shall said abatement, in any way, release those defendants, as to whom said suit may be abated, from their liability: nevertheless, either party shall have the right to continue said cause, for good cause shown.

Suit may be abated as to those not served with process, and judgment against those served.

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Suit in chancery may be brought by Treasurer against Trustees.

Fund to be a permanent fund for education.

Fund to be loaned out by Treasurer.

Account to be kept by Treasurer and rendered to County Court.

Each Common School district to receive proportion of interest in fund.

Mode in which it should be paid.

Proceedings against Treasurer, should he fail to pay over.

Proportion to districts in which no schools are

SEC. 4. That said Treasurer shall have the right, if he shall deem it necessary, to bring his suit in chancery, in the Graves Circuit Court, against said trustees, and their securities, or any of them, to have a discovery of the true state of said Graves Academy fund: and the defendants shall be required to answer the bill of said Treasurer; and said suit shall progress to final trial, as other suits in chuncery.

SEC. 5. That said fund, when collected, shall be kept as a permanent fund for purposes of education in Graves county.

SEC. 6. That it shall be the duty of said Treasurer, as soon as he can, after he shall have collected said fund, or any part of it, to loan the same out at a rate of interest not to exceed ten per cent. per annum, taking bonds or notes for the same, payable to himself as such Treasurer, with good security; but no loan shall be for a longer term than one year: and said Treasurer may, if to him it shall appear proper, receive the interest on such loan, and renew the same, or he may collect both principal and interest; and it shall be the duty of said Treasurer and his successors to loan out said money from year to year at interest as above directed.

SEC. 7. That it shall be the duty of said Treasurer, and his successors, to provide a book, in which he shall keep an account of the state of said fund, and of the disposition by him made of the same, together with the interest arising thereon; and it shall be his further duty, at the end of each year from the time he shall enter into his office, to render an account, on oath, to said County Court, of the amount and situation of said fund.

SEC. 8. That it shall be the duty of said Treasurer, and his successors, annually, to pay over to the trustees of the Common Schools in each district then organized, and in such districts only as schools are actually taught in said county, for the use of such school, the proportion of interest arising from the loan of said fund, to which such district would be entitled if a school had been organized and was in operation in each district in said county; said County Court having first made an order directing such payment, and the sum to be paid, and designating the district or districts to which it shall be paid; and should said Treasurer, or his successor, fail to pay over said interest, as above directed, the same may be recovered off him and his securities, or any of them, by warrant, in the name of such trustees, before any Justice of the Peace in said county; and such Justice may proceed to try said warrant at any time after the same shall have been executed five days, and the defendant or defendants shall answer, on oath, if so required to do by such Justice, or any of said trustees, as to the amount due such district.

SEC. 9. That the portion of interest arising from said fund which would belong to those districts in said county in which schools may not be organized, if schools were organized in the same, shall be, by said Treasurer, and his successors, added to

the principal fund, and become a part of the same; and as schools are or may be organized in said county, they shall receive their portion of interest, the same as those schools which may be in operation at the time this act shall take effect; but they shall only receive such interest as may accrue to them after they shall have been organized, and a school taught: the principal fund is only to be used by way of loan to raise interest, and the interest to be applied to the Common Schools in said county, as before directed.

SEC. 10. That said Treasurer shall be appointed and hold his office for the term of two years, and until his successor shall have been appointed and qualified; but he shall renew his bond annually, and may be re-appointed; and shall receive, annually, for his compensation, such sum as said County Court may allow, to be paid out of the interest of the money so by him to be loaned; said compensation, however, is not to exceed three per centum on the amount actually loaned.

SEC. 11. It shall be the duty of said Treasurer, immediately after the appointment and qualification of his successor, to hand over to such successor all moneys, bonds, notes, obligations, books, accounts, and other things in his possession, pertaining to said fund; and on his failure, said County Court may proceed, forthwith, on motion of such successor, to render judgment in his favor and against such former Treasurer, and his securities, for whatsoever sum may be unpaid over, as aforesaid, and costs: and said court shall award execution for the same.

SEC. 12. No defendant, against whom a judgment may be rendered, or execution issued, by virtue of this act, shall have the right to replevy the same. This act shall take effect, and be in force, from and after the first day of January, eighteen hundred and forty seven.

Approved February 13, 1846.

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taught, to be added to principal.

Treasurer to hold office two years: to renew his bond annually.

His compensation.

Treasurer to hand over to his successor moneys, &c.: how proceeded against for failure.

No replevin allowed on judgments against officers.

#### CHAPTER 155.

AN ACT for the benefit of Mary D. Cassedy.

WHEREAS, it is represented to the present General Assembly, that an entry of land was regularly made with the surveyor of Fleming county, in the name of Hiram Lee, for fifty acres, but, for some cause, no patent has issued thereon; that said Lee sold said land to Mary D. Ringo and Fleming Cooper; that Fleming Cooper afterwards sold to Moses Clack, who sold to Mary D. Ringo, who afterwards intermarried James Cassedy, and that Lee, Cooper, Clack, and James Cassedy are dead, and his widow, Mary D. Cassedy, having petitioned for relief. Wherefore:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the Register of the Land Office to issue to Mary D. Cassedy a patent for fifty



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acres of land, agreeably to the entry therefor, in the name of Mary D. Cassedy, and bearing date October 2d, 1834; but nothing herein shall be so construed as to make the legal title take date before the date of the patent: *Provided, further*, that nothing in this act contained shall be so construed as to allow the grant, hereby authorized to be issued, to effect the rights of any other person or persons, in law or equity, heretofore acquired to said land, or any part thereof.

Approved February 13, 1846.

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CHAPTER 156.

AN ACT for the benefit of Samuel Godsey.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract now existing between Samuel Godsey and his present wife, now citizens of the county of Russell, be and the same is hereby legalized; and the children of the said Godsey and his present wife are hereby declared to be legitimate.

Approved February 13, 1846.

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CHAPTER 159.

AN ACT for the benefit of William W. Bowen and Rachel Nesbet.

Preamble.

*WHEREAS*, William W. Bowen, of Bourbon county, hath represented to the General Assembly, that, as committee of Rachel Nesbet, an idiot of Bourbon county, he did sell to Ebenezer Maston, Willis Collins, and Thomas McClintock, as Trustees, and their successors, of the Thorn District of Common Schools in Bourbon county, one acre of land, being a part of the tract of land owned and passed by said Rachel in common with the said William W. Bowen, for the sum of thirty eight dollars: and, whereas, it is further represented, that it will be of no disadvantage to the said Rachel to confirm said sale. Therefore:

Sale of small piece of land may be confirmed.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the said Wm. W. Bowen to go before the Judge of the Bourbon Circuit Court and make a written statement of the above recited facts, verified by affidavit, and sustained by the affidavits of other persons, if said court shall require it; and if said court shall be of opinion that a confirmation of said sale will be of no disadvantage to the said Rachel, then the said court may order and decree that said Bowen convey, by deed, for himself and on behalf of said Rachel, the said lot of ground to the said Trustees, according to the contract as above stated.

Approved February 13, 1846.

CHAPTER 160.

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AN ACT to amend the charter of the Covington Fire Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the amendment to the charter of Covington Fire Company, approved February 9th, 1837, be so amended as to increase the number of the members to one hundred: *Provided*, that a portion of said one hundred members be constituted into a hose company, to be attached to the engine company, which said hose company shall not consist of less than twenty five members, nor more than thirty five members.

Number of members increased.

Hose company to be formed.

SEC. 2. That upon the organization of said hose company, there shall be elected by the entire company the following officers, viz: one President; who shall have the control of the whole fire apparatus belonging to said engine and hose company, and first and second directors of the engine, and first and second directors of the hose company, together with such other officers as may be deemed necessary for the complete organization of said company, which officers shall be elected (after the first election under this charter) on the first Saturday in December in each and every year.

Officers of Hose company.

SEC. 3. That so much of the charter as requires the engine to be exercised and practiced at least once a month from the first day of October to the first day of May, in each year, be and the same is hereby repealed; and the company is required to exercise and practice the engine at such times as the President and Directors of said engine company may think necessary and advisable for the interests of the company and community.

Exercising and practicing engine company.

Approved February 13, 1846.

CHAPTER 161.

AN ACT for the benefit of the devisees of Carter Tadlock, deceased.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for Henry Goodloe, administrator, with the will annexed, of Carter Tadlock, deceased, to file his bill or petition, in chancery, in the Boyle Circuit Court, setting forth the circumstances and reasons of the sale of a negro boy named George, belonging to said estate; and if it shall appear to the satisfaction of said court, that the sale of said boy George, under all the circumstances, was advantageous to the devisees under said will, a decree confirming said sale may be made. And said court may, also, by its decree, authorize said administrator to invest the proceeds of the sale of said slave, and any additional sum, not exceeding in the aggregate more than one thousand dollars, in a farm, to be occupied by the widow and children of said testator, until the arrival of the period when, by his will, his estate is to be divided amongst his widow and children.

Sale of slave by administrator may be confirmed, & proceeds vested in lands.

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Lands purchased may be vested in administrator.

SEC. 2, That the title to any land, which may be purchased in virtue of any decree which may be rendered by said Circuit Court, shall be vested in the said administrator, in trust for the benefit of the devisees. And in any settlement which the said administrator may hereafter have, he shall be chargeable with the net proceeds of the sale of said slave, and credited with the money paid for the land, if said court should ratify the sale of the one and authorize the purchase of the other.

Approved February 13, 1846.

#### CHAPTER 162.

AN ACT to amend an act, entitled, an act to incorporate the town of Lancaster.

Powers of Police Judge may be exercised by Justices of the Peace.

\*SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sixth section of the act, entitled, an act to incorporate the town of Lancaster, approved February 23, 1837, be amended; and that the powers and duties conferred on the Police Judge of said town may be exercised and discharged by any of the Justices of the Peace of the county of Garrard, residing within the limits of said town, on the same terms and under the same restrictions as the said Police Judge might have done or could do: *Provided, however*, that two Justices shall sit as a court of enquiry in all criminal cases occurring in said town, as is provided for by existing general laws: *And provided, also*, that this act shall not be so construed as to give them jurisdiction of all claims under one hundred dollars, arising in favor of the trustees of said town, or against them, as given to said Police Judge under said section.

Town Marshal may be elected, & his powers and duties.

SEC. 2. It shall and may be lawful for the trustees of said town, annually, to elect a Town Marshal, whose duty it shall be to execute all precepts issued by said Justices, on account of violations of the law, within the limits of said town, and to collect and account for the same according to the provisions of the said act, to which this is an amendment; and whose fees shall be the same as are allowed to Constables for like services.

Approved February 13, 1846.

#### CHAPTER 163.

AN ACT for the benefit of Nancy Eastin.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for William J. Walker, of Madison county, to file a petition in chancery, in the Circuit Court for Madison county, setting forth that he is the trustee for Nancy Eastin, and holds, for her separate use, two slaves, named Tom and Lucy: and if it shall be made to ap-

pear to the satisfaction of said court, that said Nancy desires a sale of said slaves, and the conversion of the proceeds thereof into land, and that such conversion will be to the advantage and comfort of said Nancy, said court is hereby authorized to make a decree, ordering a sale of said slaves, and investing the proceeds in land, to be held by said Walker upon the same trusts as said slaves are now held.

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Approved February 13, 1846.

CHAPTER 164.

AN ACT to establish the town of Johnstonville, in Monroe county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for John Black, of Monroe county, to lay off any number of acres of land, of the farm whereon he now lives, on the south side of Cumberland river, at Trice's old ferry, not exceeding one hundred acres, as a town, with the necessary streets and alleys, and in lots in such size as he may think proper; which town shall be called and known by the name of "Johnstonville."

Town established.

SEC. 2. That George Martin, Lewis Philpot, Colby E. Barrey, Samuel S. Trice, and John H. Trice, be and they are hereby appointed Trustees of said town, who shall possess the same power and authority that trustees of towns generally possess, and who shall continue in office for one year from and after the first Monday in May next, and until their successors are duly elected and qualified.

Trustees appointed: powers.

SEC. 3. That it shall be lawful for the free white male citizens of said town, who are twenty one years old, annually to elect five Trustees for the government of the same.

When trustees to be elected.

SEC. 4. That the Trustees of said town shall have power to fill all vacancies that may happen in their own body; to appoint town officers; and adopt all by-laws which they may deem necessary for the good government of said town, not inconsistent with the constitution or laws of this Commonwealth.

May fill vacancies & pass by-laws.

Approved February 13, 1846.

CHAPTER 165.

AN ACT for the benefit of the 17th Regiment of Kentucky Militia.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, hereafter, it shall be lawful for the officers of the 71st Regiment of Kentucky Militia to hold their Courts of Assessment and Appeals in the town of Paris.

Approved February 13, 1846.

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## CHAPTER 166.

AN ACT for the benefit of Jonathan Newcum.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the acts of Jonathan Newcum, as a Captain in the 79th Regiment of Kentucky Militia, previous to his being commissioned in 1845, be and they are hereby declared valid, to all intents and purposes, and that he is declared exempt from all liabilities and penalties for so acting before he was commissioned.

Approved February 13, 1846.

## CHAPTER 167.

AN ACT to incorporate the Maysville College, and for other purposes.

Name and style.

Trustees appointed.

Corporate powers.

Trustees to be sworn. Pres't, &amp;c. to be appointed.

Majority to form quorum. §

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a Seminary of Learning shall be and the same is hereby established in the city of Maysville, to be known by the name and style of the Maysville College, and the same shall be founded and maintained forever, upon a plan the most liberal for the youth of every class and denomination of christians, or others, who shall be freely admitted to equal privileges and advantages of education, and to all the literary honors of the College, according to their merit, under the direction of eleven Trustees, to-wit: Richard Collins, Thomas Y. Payne, Francis T. Hord, Henry Waller, Nathaniel Poyntz, Richard H. Stanton, Christian Shultz, Hiram T. Pierce, Samuel K. Sharpe, John Shackelford, and John M. Duke, who, together with their successors, to be appointed by said Trustees, as they may die, resign, or remove out of Kentucky, shall be Trustees of said College, and shall hold their first session on the first day of March, 1846, and at such other times as they may appoint, at the seat of said College in the city of Maysville.

SEC. 2. That said Trustees, and their successors, by the name of the Maysville College, shall be a body politic and incorporate, and as such forever exist, and as such have a common seal; and may sue and be sued in their corporate name, and shall be able and capable, in law, to have, hold and enjoy any lands, tenements or leases, personal property or choses in action; and shall have power to sell the same, and make title or deeds for the same, in their corporate name, and to rent, use and enjoy the same, and the rents or profits of the same, as they shall judge most advantageous to said College.

SEC. 3. That said Trustees shall be sworn to the faithful discharge of their duties, before they enter on them; and shall, thereupon, have the power to appoint a President of their board, a Treasurer and Secretary, who shall give bond for the faithful discharge of their duty; and said Treasurer and Secretary shall hold their offices at the will of the Board of Trustees; a majority of whom shall always form a quorum for bu-

siness at any regular meeting, or at such meetings where all have notice of the time and place.

SEC. 4. That the said Trustees, and their successors, shall have power and authority to constitute all such professorships in said College as they may choose and think best for the interest of the said College; and may appoint professors, tutors, masters, or instructors; to fill said professorship, for the purpose of having the students in said College properly instructed in all those branches of learning and science that said Trustees may determine upon, one of whom shall be appointed and styled the President of said College; and said professors, so constituted and appointed, shall exercise all the powers, and confer all the degrees upon the students, from time to time, as the Trustees, by their by-laws, shall direct and determine; and to that end, the said Trustees shall have power to pass all by-laws which shall be necessary to the interests, and advancement of the interests, of said College, and not inconsistent with the laws of the State.

SEC. 5. That the professors, so appointed, shall hold their offices during good behavior, or so long as a majority of the Trustees may determine.

SEC. 6. That the Legislature shall have full power, at any time, to alter, amend or repeal this charter.

SEC. 7. That James Campbell, Hiram Smedley, Henry Enders, A. Slee, and Braxton Small, be and they are hereby appointed Trustees of the Female Seminary in the town of Paducah; and they are hereby invested with all necessary powers to regulate and carry on said Seminary for the public good, according to law.

SEC. 8. That the third section of an act, entitled, an act to amend the several acts concerning the Newport Seminary or Academy, and for other purposes, approved February 7th, 1845, be and the same is hereby repealed.

Approved February 13, 1846.

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Professorships to be established and professors appointed.

By-laws may be adopted.

Professors to hold offices during good behavior.

Power to repeal, &c., reserved.

Trustees for Paducah Seminary appt'd.

3d section of act to amend acts concerning Newport Seminary or Academy repealed.

# CHAPTER 169.

AN ACT for the benefit of Elizabeth Wathen.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for Benjamin Wathen, trustee of Elizabeth Wathen, the wife of John Wathen, to file his bill in chancery in the Washington Circuit Court, making the said Elizabeth and her husband parties thereto, and also the child of the said Elizabeth, should it be deemed a necessary party, and therein pray the chancellor to decree a sale of a certain slave called Baptiste, held by him as trustee aforesaid, and the investment of the proceeds of sale in a tract of land, to be held in trust in the same manner that said slave is now held; and if, upon the hearing of the cause, the said court shall be of opinion that such sale and invest-

Her trustee may petition for sale of trust property & for the investm't thereof in real estate.

**1846.**

ment will be to the interest of said Elizabeth Wathen, and others concerned, a decree for the sale of said slave may be rendered, and the proceeds invested, under the sanction of the court, in a tract of land for their use.

**Powers given  
to the court.**

Sec. 2. That should the court decree a sale of said slave, it is hereby vested with full power and authority to make all such orders and decrees in the premises, as may be deemed necessary and proper, to fully carry out the object and intent of this act; and may require bond, with good security, from said trustee, or other person entrusted with the investment of the proceeds of sale, conditioned for the faithful application of the same, according to the order or decree of the court in the premises.

Approved February 13, 1846.

#### CHAPTER 170.

AN ACT for the benefit of the devisees of Sarah Crawford, deceased.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for Lewis Jarvis, executor of the last will and testament of Sarah Crawford, deceased, to file his bill in chancery in the Scott Circuit Court, in which all of the devisees named in said will are to be parties, setting forth the amount of assets in his hands, if any, and the amount of debts and legacies unpaid. And if it shall appear to said court, that a sale of thirty nine acres of land, lying on Eagle creek, in Scott county, is necessary, either for the payment of debts or legacies, or, that it will be to the interest and advantage of all the parties interested that a sale of land be made, said court may decree a sale thereof, and direct the application of the proceeds according to the principles of equity and justice.

Approved February 13, 1846.

#### CHAPTER 171.

AN ACT for the benefit of John P. Dorsey, and others, heirs of Greenberry Dorsey, deceased.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Circuit Court for Boyle county be and it hereby is empowered to decree a sale of the real estate of John P. Dorsey, Greenberry Dorsey, and Henry P. Dorsey, non-resident minor heirs of Greenberry Dorsey, late of Pennsylvania, deceased, situated, lying and being in the town of Danville, or adjoining thereto, in said county of Boyle, upon the petition of William P. Dorris, their statutory guardian, in the said State of Pennsylvania, in the same manner and under the same regulations as though he had qualified as guardian in this State, and without requiring of him the execution of a bond

previous to the decree of sale: *Provided, however,* that it shall be the duty of said court to retain the control of the proceeds of any sale hereby authorized to be made, until a proper bond be deposited in said court to secure the proper application of the proceeds of said sales.

1846.

Approved February 13, 1846.

CHAPTER 172.

AN ACT to legalize the appointment of William W. Stockton, Constable of Green county.

WHEREAS, it is represented to this General Assembly, that the County Court of Green county, at their late term, held in January, 1846, appointed William W. Stockton a Constable of said county, for the district including the seat of justice of said county; and it now appears that said Stockton, at the time of his said appointment, had not resided in said district six months preceding, as required by law. For remedy whereof:

Preamble.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the proceedings of the County Court of Green county, at its January term, 1846, appointing said William W. Stockton a Constable of Green county, for the district embracing the seat of justice of said county, be and the same are hereby declared legal; and all the official actings and doings of said Stockton, as Constable of Green county, under said appointment, shall be deemed as effectual and binding as if he had resided in said district for the term of six months next preceding his said appointment.

Proceedings  
legalized.

Approved February 14, 1846.

CHAPTER 173.

AN ACT to change the name of Hardin Land to Hardin Crawford.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the name of Hardin Land be and is hereby changed to that of Hardin Crawford, by which name he shall hereafter be known and called.

Approved February 14, 1846.

CHAPTER 177.

AN ACT to authorize the Trustees of Somerset Academy to sell and convey a lot of ground in the town of Somerset.

*Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of the Somerset Academy, in the county of Pulaski, are hereby authorized and permitted to sell and convey to the trustees of the Christian Church, in said town, so much ground off of the northwest



1846.

end of the seminary lot, number sixty four, in said town, as will be sufficient to erect a church upon; and that if the said trustees of the said academy and church cannot agree as to the value of said ground, that the trustees of the Somerset Academy shall be authorized to appoint two fit disinterested persons who shall, upon oath, estimate and value the said ground—the proceeds to vest in, and be payable to, the trustees of said academy as trustees.

*Sec. 2. Be it further enacted,* That the said trustees of said academy be further authorized to sell and convey to the Common School district, number one, in the county of Pulaski, so much of said lot, number sixty four, as will be sufficient to erect a common school house upon, for said common school district, number one, so as not to interfere with the ground for the Christian Church, provided in the first section of this act. And that said trustees of the academy shall appoint two disinterested fit persons who shall, upon oath, ascertain and assess the value of said ground—the proceeds to vest in, and be payable to, the trustees of said academy as trustees.

Approved February 14, 1846.

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#### CHAPTER 178.

AN ACT to amend the act, entitled, "an act for the benefit of the Preachers' Aid Society of the Kentucky Conference," approved February 15, 1842.

WHEREAS, during the year 1845, the Methodist Episcopal Church in the United States was, by the ecclesiastical action of said church, divided into two sections, each of separate ecclesiastical jurisdiction, and the Kentucky Annual Conference, formerly belonging to that church, having regularly become a body adherent to that separate section of said church known by the title of "The Methodist Episcopal Church, South," embracing nearly all the slaveholding territory of the United States. Therefore:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the act, entitled, "an act for the benefit of the Preachers' Aid Society of the Kentucky Conference," approved February 15, 1842, be so amended as to read and refer to the Preachers' Aid Society of the Kentucky Annual Conference of the Methodist Episcopal Church, South.

Approved February 14, 1846.

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#### CHAPTER 179.

AN ACT to authorize the County Court of Scott county to borrow money to re-build the county Jail.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the County Court of Scott county, a majority of all the Justices of said

county concurring therein, in their Judicial capacity, upon a pledge of their county levy, to borrow from any Bank, corporation, individual or individuals, a sum of money not exceeding three thousand dollars, upon such terms and conditions as may be agreed upon by the parties, to enable the said County Court to re-build their county Jail.

1846.

Approved February 14, 1846.

CHAPTER 180.

AN ACT for the benefit of Henry H. Phillips.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Henry H. Phillips be and he is hereby authorized to bring into this State, from the State of Missouri, a negro man slave named Alfred, without incurring the penalties of the act of 1833: *Provided, however*, that he shall, within thirty days after such importation, make and cause to be filed in the County Court of Jefferson county, an affidavit that said slave has been brought into the State for his own use, and not for merchandise or sale.

Approved February 14, 1846.

CHAPTER 181.

AN ACT to establish a road in Madison and Garrard counties.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Robert N. Moran, William W. Duff, of the county of Madison, William D. Mitchell and James H. Spillman, of the county of Garrard, be and they are hereby appointed Commissioners, for their respective counties, to select and mark out the best practicable route for a road from the ford of Paint Lick creek, near the residence of Mrs. Dennis, to the Flat Gap at the Rockcastle county line, any two of whom may act, provided there be one from each county; and when they have selected and marked out the way for said road, they shall report the same to their respective County Courts, whose duty it may be to allow their respective commissioner or commissioners a reasonable compensation for his services, not exceeding two dollars per day for the time necessarily employed.

Commissioners.

Mark out road.

Proviso.

Compensation.

**SEC. 2.** It shall be the duty of said County Courts, after the return of said report, to cause said road to be opened, and keep the same in repair, so far as the same is located in their respective counties, in such width as they may direct: and in all things to be governed in relation to said road by the general road laws now in force in this Commonwealth.

Road to be opened & kept in repair.

Approved February 14, 1846.

1846.

## CHAPTER 182.

AN ACT to change the name of William M. Gray, to William M. Medlock, and for other purposes.

WHEREAS, John Medlock, of Hopkins county, took charge of an infant boy named William M. Gray, and has thus far provided for and educated him, and now desires to adopt him, (having no children of his own) and that for such purpose his name may be changed, and he made capable of inheriting his estate at his death, in the event that he should die intestate. Therefore:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the boy aforesaid, shall hereafter be called and known by the name of William M. Medlock; and he is hereby made capable of inheriting the estate of the said John Medlock, upon the happening of the contingency aforesaid, saving to the wife of the said John Medlock, if she should survive him, her right of dower in his estate.

Approved February 14, 1846.

## CHAPTER 183.

AN ACT to incorporate the St. John's church at Princeton, in Caldwell county.

**Corporations.** SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Thomas J. Flournoy, Livingston Lindsay, Sanford Duncan, Jr., David Flournoy, W. W. Throckmorton, and R. A. Patterson, be and they are hereby created a body politic and corporate, by the name and style of the "Vestry of St. John's Church, in the town of Princeton;" and they, with their successors, shall so continue, and have perpetual succession, and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in any court of law or equity in this Commonwealth, and elsewhere; to have and use a common seal, and alter the same at pleasure; and to receive and hold, to themselves and their successors, the free hold, or lease hold, title to any quantity of land, not exceeding ten acres, and the emoluments thereof; and any tenements, goods and chattels of any kind whatsoever, which may be given, granted, devised, or demised, in trust to them, for the use and benefit of the members of said church; subject, however, to such limitations and restrictions as may be imposed or reserved by the grantor or grantors of such property: *Provided, however,* that any land acquired and held by them, by virtue of this act, shall be used either as a site for a church edifice, or house of public worship, or as a burying ground, or as a place for the residence of the pastor or rector of said church, and for no other use or purpose whatever.

**Corporate powers.**

**proviso.**

Sec. 2. Said corporation shall have power to raise money, by subscription or otherwise, to any amount not exceeding twenty thousand dollars; and lay out and expend the same in the purchase of any grounds, or the erection, improving, repairing, or furnishing any houses they may deem necessary, subject to the limitations in the first section specified.

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May raise and expend money, and how.

Sec. 3. Said corporation shall have the power, with the consent of a majority of the regular communicants of said church, to sell, or otherwise dispose of, any property acquired or held by them, by virtue of this act; and by the deed of said corporation, duly signed and acknowledged, to transfer and convey the fee simple or other title to any such property.

May sell their property.

Sec. 4. That whenever a vacancy occurs in said corporation, by death, removal, resignation, or otherwise, such vacancy shall be filled by election, in the manner prescribed by the constitution and canons of the Protestant Episcopal Church in the United States of America, and of the Diocese of Kentucky, for the election of vestry men.

Vacancies, how supplied.

Sec. 5. That the said corporation are authorized to receive, by deed, to said "Vestry of St. John's Church, in the town of Princeton," and their successors, such real estate as may be granted to them, under the limitations before mentioned, and the said deed shall be effectual to all intents and purposes to vest the title to such property in the Protestant Episcopal Church of the Diocese of Kentucky.

May receive grants.

Approved February 14, 1846.

#### CHAPTER 185.

AN ACT concerning the town of Albany, in Clinton county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, hereafter, the prudential, fiscal and municipal concerns of the town of Albany, as now laid out and defined, shall be vested in five Trustees, who shall be elected annually, on the first Monday in May, by the free white male inhabitants over twenty one years of age, who shall have been *bona fide* residents of said town two months next preceding such election; said Trustees, when elected, shall hold their offices for the term of one year, and until their successors are duly elected and qualified. That said Trustees, before they enter upon the duties of their office, shall take an oath before some Judge or Justice of the Peace, that they will faithfully, and without affection or partiality to any one, discharge the duties of Trustees to said town, during their continuance in office.

Corporate affairs confided to Trustees.

Sec. 2. That said Trustees shall proceed, after their qualification, to elect one of their number chairman, who shall preside at their meetings, and have power to convene the Board when, in his opinion, the interests of the town demands

Trustees elect chairman, &c.

1846.

it. It shall be his duty to see that all the ordinances and by-laws are put in force.

**Trustees in-**  
**corporated.** SEC. 3. That said Trustees, and their successors in office, shall be a body politic and corporate, and shall be known by the name and style of "The Board of Trustees of Albany;" and by that name shall be capable, in law, of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places, and do all acts, matters and things, which a body politic or corporate, having perpetual succession, can lawfully or rightfully do.

**Powers of**  
**Trustees.** SEC. 4. That said Trustees, or a majority of them, shall have power to make and receive all necessary conveyances in relation to said town. They shall have power over the streets, alleys, and side walks of said town, or which may hereafter be opened or made, and may direct the improvement of the same, in such manner as they shall deem most beneficial to the interests of the town. They shall have power to levy and collect an ad valorem tax upon the property of said town, not exceeding ten cents on the hundred dollars, in any one year, and a poll tax on each person subject to work on roads, not exceeding one dollar. They shall have power to tax auction sales, shows, and exhibitions, for money or profit, such sum as they, by their by-laws, may declare. They shall have the power to suppress all tipling houses, and to fine all those who may violate their by-laws, any sum not exceeding twenty dollars for each offence. They shall have power to remove all disorderly itinerant free persons of color from within the limits of said town. They shall have power to declare what are nuisances and remove the same. They shall have power to provide for the security of said town against fire, by organizing a fire company, defining their duties, and punishing, by fine, those who may fail in the performance of the duty required of them. They shall have power to inflict a fine, not exceeding one dollar, on any member failing to attend the meeting of the Board when notified thereof; and for good cause, (two thirds of the members concurring,) said Board may remove any member thereof. They shall have power to fill all vacancies. They shall have full power to pass all necessary by-laws and ordinances for carrying into effect all the powers herein granted, and executing all the provisions of this act, not inconsistent with the laws and constitution of this government.

**Levy and**  
**collect taxes.**

**Suppress tip-**  
**pling houses,**  
**&c.**

**Remove free**  
**negroes.**

**Declare nui-**  
**sances.**

**May fine or**  
**remove mem-**  
**bers of Board.**

**Fill vacan-**  
**cies.**

**Appoint of-**  
**ficers.** SEC. 5. That it shall be the duty of the Trustees to appoint a Treasurer, Clerk, Marshal, and such other officers as they may deem necessary; and take from them, respectively, bonds, with approved security, payable to the Board of Trustees of Albany, and their successors in office, in such penalty as said Trustees may direct, conditioned for the faithful discharge of their respective duties; and for a violation on the

part of either of said officers, suit may be brought and motions made before any Justice of the Peace having jurisdiction thereof, in the same manner, and under the same rules and regulations, that suits are brought and motions made against other officers for failure of duty.

SEC. 6. That said Trustees may sue out execution of *fiert facias*, or *ca. sa.* on any judgment in their favor, against any one, for a violation of the by-laws.

SEC. 7. That it shall be the duty of the Treasurer and Clerk to keep a record of the proceedings, which properly belong to their respective offices; and it shall be the duty of the Treasurer to render an account to said Trustees, of all moneys received and paid out by him, whenever he shall be required by the Board to do so.

SEC. 8. Any Justice of the Peace of Clinton county shall have jurisdiction of all suits and motions against the Marshal, Clerk, or any other officer, who may be appointed by the Board of Trustees, for a violation of duty, in failing to account for and pay over, when ordered by the Board, any money or other thing in their hands belonging to said Board.

SEC. 9. That from any judgments rendered by any Justice of the Peace, for Clinton county, in favor of said Board of Trustees, either party may appeal to the Clinton Circuit Court, according to the rules and regulations authorizing appeals from Justices of the Peace to the Circuit Court.

SEC. 10. That it shall be the duty of the Marshal to serve all process and precepts, to him directed, by any Justice of the Peace of said county, for a violation of any of the by-laws of said Board, and make due return thereof; collect all taxes of said town, executions, and other demands, which may be put into his hands to collect; and account for and pay the same to whomsoever may be entitled thereto, under the same rules and regulations required by law of Sheriffs in the collection of taxes, and of Constables in the collection of executions, or other demands; and for a failure to perform any of the duties required of him, he shall be subject to the same proceedings which may be had against Sheriffs or Constables in similar cases. The said Marshal shall have the same power and be entitled to the same fees for collecting the town tax, that Sheriffs have for collecting the county levy and revenue tax, and in all other cases the same fees allowed Constables for similar services: *Provided*, any such process or precept may be directed to any Constable of Clinton county. Said Marshal shall be invested with all the power and authority which is given to Constables, in all cases growing out of a violation of the by-laws of said Board. He shall have the power, if need be, to summon the power of the county to aid him in executing any process to him directed; any person or persons refusing to aid said Marshal, when summoned, may be fined by any Justice of the Peace of the coun-

1846.

Conditions and penalties of official bond, &c.

Process for collection of judgments.

Treasurer and Clerk to keep and render accounts.

Justice of Peace of Clinton, jurisdiction against Marshal, &c.

Appeal to Circuit Court.

Duties, powers, fees, &c. of Marshal.

**1846.** ty, the fine not to exceed ten dollars, without good cause shown.

**Fines, &c,  
to go to town  
Treasury.** SEC. 11. Fines and forfeitures, for violation of the ordinances or by-laws of said Board, shall be collected and paid to the Treasurer of said Board of Trustees, for the use and benefit of said town.

**How money  
drawn.** SEC. 12. No money shall be drawn from the Treasury except upon the order of the chairman of the Board of Trustees, in pursuance of allowances made by said Board.

**Town As-  
sessor.** SEC. 13. The Trustees shall, annually, appoint one town assessor, who shall take a list of all the taxable inhabitants and owners of property in said town, subject to taxation by the laws of this Commonwealth, which list shall be taken in the same manner that the revenue lists are now or may be hereafter taken.

**Duty of  
Clerk.** SEC. 14. It shall be the duty of the Clerk to make out and deliver to the Marshal, a fair copy of the assessor's books, with the amount of tax to be paid by each individual, and take his receipt therefor: and shall, also, deliver to said Marshal a copy of such order, for the collection of said tax, as said Board may make. The said Board shall make such compensation to their Clerk, Assessor, and Marshal, (for collection,) as they may deem right and proper.

**Power over  
wells and  
springs.** SEC. 15. The Trustees shall have control over the wells and springs in said town, and may keep the same in repair, from time to time, at the common expense.

**By-laws re-  
corded and  
posted.** SEC. 16. The Trustees shall cause their Clerk to record all their by-laws and ordinances, and to post up a true copy thereof at the door of the court house, and at two other public places in said town.

**Trustees may  
license and  
tax taverns:  
condition.** SEC. 17. That said Trustees shall, also, have the power to tax, and the exclusive right to license, all taverns and houses of private entertainment, within said town; but tavern keepers shall, also, be liable to pay the revenue tax of ten dollars as now required by law; but no license shall be granted whereby spirituous liquors or wines may be retailed, except to a tavern keeper, upon the payment of a tax to be fixed by said Board of Trustees, not to exceed one hundred dollars per year. That said Board of Trustees may designate, in the tavern license granted by them, whether such tavern keeper may retail spirituous liquors, and may fix any rate of tax on tavern license, not less than ten dollars, without the privilege of selling spirituous liquors.

**May suspend  
license.** SEC. 18. That said Trustees, two thirds concurring, shall have power and authority to suspend, either indefinitely or for a specific time, any license which they may grant, or which may have been granted, to a tavern keeper, whensoever they shall be satisfied that any tavern keeper in said town has permitted any unlawful gaming in his house, or has permitted any person or persons to tipple or drink to intoxi-

cation in his house: *Provided, however,* that no tavern license shall be suspended until such tavern keeper has had at least five days previous notice, and has been permitted to show cause, if any he can, why his license should not be suspended. If any person, whose license shall have been suspended by the Board of Trustees, shall afterwards sell, by retail, any spirituous liquor or wine, during such suspension, he shall be deemed and held guilty of keeping a tippling house.

SEC. 19. That said Trustees may cause side walks in said town to be curbed and paved, as they may direct, the costs of which shall be apportioned and assessed against the owners of the lots fronting said side walks, and a lien is hereby given on said lots for the same; or the Board of Trustees, in their discretion, may cause said lots and their improvements to be rented out until said side walks are paid for.

SEC. 20. That said Trustees may purchase a burying ground, and receive a conveyance therefor, by deed to them and their successors, and improve the same out of the common fund. Said Trustees and their successors shall have the entire control over such burying ground.

SEC. 21. It shall be the duty of the Chairman and Clerk of the Board of Trustees to hold the election of Trustees, who shall report said election to the said Board, which shall be recorded in their book of proceedings. Said election shall be held at the court house; and it shall be the duty of the Clerk of the Board to post up a notice of the time and place of such election, at the court house door, and at two other public places in said town, for at least ten days before such election.

SEC. 22. That for any tax to be levied under this law, upon the personal and real property in said town, as extended by this act, there shall exist a lien in favor of said Trustees, unless the same shall be paid; and in case the owner or owners of such property, or some one of them, shall fail to pay such tax, on or before the 1st day of October in each year, it shall be lawful for said Trustees, by their Marshal, to sell, at the court house door in said town, at the November Term of the County Court, so much of said real estate as will pay off and discharge the tax due thereon, and convey the same to the purchaser, by deed, which shall vest the purchaser with the title thereof: *Provided,* the owner of such real estate, or his administrator or executor may, within two years from the time of sale, redeem the same, by paying, or tendering to the purchaser, or in case of his absence, paying or tendering to the Clerk of the Board of Trustees, the sum for which such property was sold, with interest thereon, at the rate of ten per cent. per annum, from the time of such sale until the day of payment or tender, together with the expenses of any conveyance made by the Marshal: *Provided,* that no sale of lots made by virtue of this act shall affect the rights of idiots, lunatics, infants, or *feme covert*s.

SEC. 23. That John B. Ryan and Samuel Long, as Judges,

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Proviso.

May order side walks to be paved.

May purchase burying ground.

Chairman and Clerk to hold election of Trustees after notice.

Lien for taxes.

Sales for taxes.

Proviso.

Further proviso.



1846.  
First elec-  
tion under this  
act.

and Harvey R. Ryan, as Clerk shall, after giving notice thereof, proceed to hold the first election for Trustees under this act, at the court house in Albany, on the first Monday in May, 1846; and should one or more of them be absent, or refuse to act, the remaining may fill the vacancy.

Tax for tav-  
ern license to  
be paid Coun-  
ty Court.

SEC. 24. It shall be the duty of said Trustees to pay to the Clerk of the Clinton County Court, the tax of ten dollars on each tavern license granted by them, to be accounted for by the Clerk of said court as heretofore.

Repealing  
clause.

SEC. 25. That all acts, and parts of acts, coming within the purview of this act, shall be and the same are hereby repealed.

Approved February 14, 1846.

#### CHAPTER 186.

AN ACT providing for a change of venue in the prosecution against James Lane.

Preamble.

WHEREAS, it is represented that James Lane stands indicted in the Jefferson Circuit Court for felony, and that, owing to the prejudice and influence of many of the citizens of said county, he cannot have a fair trial before a jury of said county. For remedy whereof:

Venue chang-  
ed from Jeff-  
erson to Bullitt.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for said James Lane to appear before the Jefferson Circuit Court, on the first day of the next term thereof, and make his election to be tried in the Bullitt Circuit Court, which election shall be noted on record; and, thereupon, the Jefferson Circuit Court shall recognize the said Lane, with good bail, to appear on the first day of the next ensuing term of the Bullitt Circuit Court, to answer said indictment; and upon said indictment, and such other proceedings as may have been had thereon, being certified to the Bullitt Circuit Court, the said Bullitt Circuit Court shall take cognizance of said indictment, and every thing incident thereto, in the same manner as if the offence, for which said Lane is indicted, had been committed in the county of Bullitt: and the Judge of the Jefferson Circuit Court shall, in case the said Lane makes his election as herein provided, recognize the witnesses as well on the part of the Commonwealth as the said Lane, if they, or any of them, be in court, to appear in the Bullitt Circuit Court to give evidence in said prosecution; and the said Bullitt Circuit Court shall proceed, on all such recognizances, in the same manner as if entered into in that court; and in case said indictment shall be found defective, and shall be quashed, or the judgment arrested, said Lane shall not, for that cause, be discharged; but a special grand jury shall be summoned, if the regular grand jury shall have been discharged, and a new indictment found, if the evidence will warrant it, and the said Lane shall be tried there-

on, in the same manner as if the offence had been committed in the county of Bullitt.

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Sec. 2. The Clerk of the Jefferson Circuit Court, upon the election of said Lane being made as herein provided, shall transmit, by the Sheriff of Jefferson county, the indictment, writ, and other papers, with a transcript of all orders made in the case; and the said Sheriff shall take a receipt from the Clerk of the Bullitt Circuit Court therefor.

Clerk of Jefferson Circuit Court to transmit papers, &c., to Bullitt Circuit Court.

Sec. 3. That the witnesses attending the Bullitt Circuit Court, in consequence of this change of venue, shall be allowed the same pay per day, and mileage, as other witnesses going out of their county under legal process.

Pay of witnesses.

Approved February 14, 1846.

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CHAPTER 187.

AN ACT allowing an additional Constable to Nicholas county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be and is hereby allowed to the county of Nicholas one additional Constable, to reside in the district of Josiah Bishop, a Justice of the Peace of Nicholas county.

Approved February 14, 1846.

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CHAPTER 188.

AN ACT for the benefit of William P. Mitchell, a lunatic.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Barren Circuit Court, sitting as a court of equity, shall have the same power to decree a sale of the whole, or any part, of the real estate of William P. Mitchell, a lunatic, as if the said Mitchell had no family.

Approved February 14, 1846.

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CHAPTER 189.

AN ACT to reduce into one the several acts in relation to the town of Danville, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town of Danville, as limited on the west by a line established by an act to extend the limits of said town, approved February 16th, 1838; on the north and south by lines running parallel to the present Main street of said town, and one half mile from the centre thereof, and extending from their beginning in the said western line, one mile east; and on the east by a line running parallel to Main Cross street, and one half mile from the centre thereof, shall be, and is hereby declared to be, the town of Danville.

Boundary of the town.

1846.

Seven trustees to have control of the town.

SEC. 2. That the fiscal, prudential, and municipal concerns of said town, with the government and control thereof, shall be vested in seven Trustees, four of whom shall form a quorum to transact business, and all of whom shall have resided in said town one year next preceding their election, and be freeholders therein.

Trustees to be a body corporate: name, style and corporate powers.

SEC. 3. That said Trustees, and their successors, shall be a body politic and corporate, and shall be known by the name and style of the "Board of Trustees of the town of Danville," and by that name shall be capable, in law, of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, and of defending and being defended, in all courts and places; and may use a common or private seal, and do all other acts, matters, and things, which a body politic and corporate, having perpetual succession, can lawfully and rightfully do and perform.

When trustees to be elected: qualification of voters: term of office: oath to be taken.

SEC. 4. Said Trustees shall be elected annually on the first Saturday in April, by the free white male inhabitants of said town over the age of twenty one years, who shall have been *bona fide* residents in said town for one year next preceding the election, and who shall have paid their poll tax for the preceding year, and all arrearages and taxes by them due said town, which payment, upon being questioned, must be satisfactorily shown; also by the free white male inhabitants of the county of Boyle over the age of twenty one years, who shall be the owners of real property lying within the limits of said town, and shall have paid all the arrearages and taxes by them due said town, which payment, upon being questioned, must be satisfactorily shown. The said Trustees shall hold their office for one year, and until their successors shall have been elected and qualified; they shall take an oath, before some Justice of the Peace, that they will faithfully, or without affection to any one, discharge the duties that may devolve upon them as Trustees, during their continuance in office, and shall have power to fill any vacancy that may occur in their own body; it shall be their duty to appoint one of their own body chairman, who shall preside at all their meetings; and in case of the absence of the chairman, they shall appoint a chairman *pro tempore*, and in case of his death, removal from the town, or vacation of his seat, as Trustee, may appoint another in his stead. The election for Trustees shall be conducted by one or more of the acting Trustees, or those other citizens, to be appointed by the board for that purpose, and shall be held at such place, or places, as may be designated by the board, and the return of the names of the persons elected shall be made to the Clerk of the board, and shall be by him recorded in their books. At least ten days previous notice of the time and place, or places, of holding the election shall be given by advertisement in some newspaper published in said town. The Trustees shall have the power, sixty days previous to the an-

Chairman to be appointed: vacancies how filled.

Notice of election to be given: town to be laid off into wards.

nual election in each and every year, to lay off the town into two or more wards, to be as nearly equal in population and improvement as practicable, out of which may be elected an equal proportion of Trustees. The elections in the different wards shall be held at the same time, and close at the same hour, and each qualified voter shall vote in his own ward, and for the number of Trustees to which said ward may be entitled. During every year in which the Trustees may think it advisable not to divide the town into wards, and shall fail to do so until within sixty days of the election, the election shall, in such year, be held at but one place, at which all the qualified voters shall vote for the full number of Trustees. Should any Trustee be absent from the meetings of the board for three months, the board may, by the unanimous vote of all the remaining Trustees, by a resolution to that effect, entered on their records, declare his seat vacated, and may then fill the vacancy caused by his removal, as in other cases.

1846.

Regulations  
in relation to  
wards.

SEC. 5. That the Trustees may, from time to time, fix and regulate, by their by-laws, the times and places of the regular meetings of the board, and also prescribe the mode in which special meetings may be had, and may inflict a penalty not exceeding two dollars on any member for non-attendance at any one meeting, to be applied for stationery, lights, and fuel, for said board.

Meetings of  
the board.

SEC. 6. That the said Board of Trustees, and their successors, shall have power and authority to take, receive, and hold, real, mixed and personal estate, by purchase, devise, bequest, or donation, for the use, benefit, or ornament of said town, and may use, appropriate, lease, or sell, the real or personal, or mixed estate which may be so taken and received by them, or which is now held by, or has been conveyed to the present Board of Trustees of the town of Danville, in such manner, and upon such terms as they may deem expedient: *Provided, however,* that no sale or lease shall be made of any real estate, unless the same is sanctioned at the same meeting by the vote of six Trustees; and which vote shall appear recorded in full, upon their records, giving the individual names of those who voted for, and those who voted against, it.

May hold &  
dispose of real  
estate.

SEC. 7. That the legal title to all the streets and alleys in said town, and to all the real, personal or mixed estate, which now does, or may hereafter belong to said town, shall be and is hereby vested in said Board of Trustees, and their successors in office; and they shall have full power and authority to maintain and carry into judgment and execution, any action, or actions, of trespass for any injury done to the same, and may, in like manner, maintain and carry into judgment and execution, any other appropriate action, or actions, for the recovery of their property, or damages for the detention, taking, injury or destruction of the same; and that the same process may issue, and execution be awarded, as are applicable by law to suits by private individuals: *Provided, however,* that in all

Real, personal  
and mixed  
estate belonging  
to town,  
vested in trustees,  
who may maintain  
suits for injuries to  
same.

1846.

cases thus instituted, in which the Trustees do not sue for a specific penalty, the jury shall not be limited in their verdict by the amount of any specific penalty annexed to the offence for which the suit was brought, but shall be governed by the same discretion which regulates their verdicts in suits between private individuals: *And, provided also*, that in all such cases when the damages are laid at a sum not exceeding fifty dollars, the Police Judge, or any Justice of the Peace, shall have concurrent jurisdiction, subject to an appeal, as in other cases.

Powers of trustees in relation to streets, alleys, side-walks, wells, pumps, &c., chimneys, nuisances, flues, stove-pipes, &c

SEC. 8. That the Board of Trustees shall have power and authority to clear the streets, alleys, side-walks and pass-ways in said town, of all obstructions, to erect and sink cisterns, wells and pumps; and keep open all springs in said town, and declare them free by verdict of a jury to be empannelled before the Police Judge for that purpose. They shall also have the power and authority to preserve and protect, free from incumbrance, all the public grounds and improvements in said town. They shall have full power and authority to remove, and cause to be removed and abated, any nuisance or nuisances, in said town, and to regulate the storage or removal of any combustible or unwholesome material that may injure the health, or tend to diminish the comfort of the citizens, or the security of their property: they shall, also, have the power and authority to cause any chimnies, flues, stove-pipes, or fire places, that, in their judgment, may threaten the security of property, to be changed and repaired; so as to remove the cause or danger of insecurity; they shall also have power and authority to cause the owners and occupiers of property fronting on streets and alleys, to keep the streets and alleys in front of them clear and free from dirt or filth, and in all cases enumerated in this section, when the persons who should do so fail or refuse to obey or perform the directions given in relation thereto, by the Board of Trustees, the said Trustees may have their orders executed at their own expense, and the costs and charges, thus incurred, shall be paid by those who should have complied with the directions of the Board in relation thereto, and may be recovered by the Board of Trustees, by a warrant for the same, before the Police Judge or any Justice of the Peace, or by a suit in the Boyle Circuit Court.

May ornament the town with shrubbery, fencing, &c.: penalty for injuring shrubbery, &c.

SEC. 9. That the said Trustees may cause the said town, and the grounds belonging to the town, to be ornamented in such manner as they may deem expedient, with fencing, trees, and shrubs, and the necessary protection of said trees and shrubs, and that if any person or persons, shall wilfully injure said trees and fencing and shrubs, or any one or part thereof, or the boxing or protection of the same, each person so offending shall, for every such offence, be subject to a fine of not less than ten, nor more than fifty dollars, to be recovered by the said Trustees in their name and for their benefit, by warrant before the Police Judge or any Justice of the Peace.

SEC. 10. That the Board of Trustees of the town of Danville may, from time to time, direct and require the owners of lots, or parts of lots, in said town, when the same fronts on a street or alley, to cause the same to be paved with side-walks in front of their respective lots, or fractions of lots, of such width and such materials, and in such manner, and at such elevation, as the said board may deem expedient; and also to repair the same in such mode and manner as they direct, and also to grade and pave, or McAdamise, one half of the street or alley in front of the whole line or lines of their said lots or fraction of lots, in such mode and manner as the said Trustees may direct. If the owner, or owners, of said lot or lots, or fraction of lot or lots, shall fail or refuse to have the same repaired, paved, graded, McAdamised or finished with side-walks, within the time, and in the manner, prescribed by said Trustees, it shall be lawful for the said Trustees to have the same done at their own costs and charges, and the costs and charges thus expended and incurred by said Trustees, shall be taken and be a tax upon said lots, and fractions of lots, and the owners thereof, respectively, in proportion to the amount which the costs, of the whole improvement made under said order, bears to the length in front of said lots, or fractions of lots, respectively. Notice of such order or direction for repairing, grading, McAdamising, or finishing with side-walks, shall be given by publication in some newspaper of the town, for two months by successive weekly publications, and a copy of said order or direction, accompanied by the affidavit of the printer that the same has been published agreeably to the provisions of this act, may be recorded in the Clerk's office of the County Court of Boyle, and shall be *prima facie* evidence that said direction was given and publication made as prescribed by this act, and an attested copy of the same may be used on the trial of any cause, and shall have the same force and effect as other attested copies now authorized by law.

SEC. 11. That the said Trustees shall have the control and care of the market house; and shall annually appoint a market master, and who shall give bond and security to be approved by the board. He shall rent the stalls and license persons to sell meats and all other articles, under the direction of the board, and the bonds, notes and accounts, taken by him therefor, shall be made payable to the board, and be collected by the Marshal before, and by judgment of, the Police Judge or any Justice of the Peace. The said Trustees shall have full power and authority to pass all by-laws, and rules, and regulations for the government of the market, not contrary to the constitution and law of the land, and may inflict fines and penalties to enforce the same, in any sum not exceeding ten dollars for each offence, recoverable before the Police Judge or any Justice of the Peace.

SEC. 12. That if the hirer, owner, or any person having the legal control or custody of any slave, shall suffer or permit

1846.

Streets and side-walks to be paved by order of Board of Trustees.

How and by whom paving, &c., is to be paid for, and how payment is to be enforced.

Regulations in relation to market house and market.

1846.

Slaves hiring  
their own  
time: how pro-  
ceeded a-  
gainst.

said slave to hire his or her own time in the town of Danville, for any longer period than one day at any one time, or shall suffer or permit said slave to go at large and act for himself or herself, in said town, any person so offending shall be subject to a fine, in the discretion of the Police Judge of said town, of not less than one dollar nor more than five dollars for each offence, recoverable by warrant in the name of the Commonwealth of Kentucky for the benefit of the trustees of said town; which warrant may issue on the information of the trustees or Marshal of said town, and the fine shall be by him collected as other fines and penalties: *Provided*, that if the defendant is not found guilty of said offence, the trustees of said town shall be liable for the costs of the case.

Burying  
ground.

Free schools.

Fire Compa-  
nies may be es-  
tablished.

Watch-house  
& work-house.

Who may be  
confined there-  
in.

Officers to be  
appointed.

SEC. 13. That the said trustees shall be authorized to purchase and hold any quantity of ground of not more than twenty five acres, to be within two miles of the limits of Danville, for a burying ground, and make all needful and necessary regulations for the use and protection of the same. They shall have full power to purchase and erect the necessary ground and buildings for a free school or schools, in said town, and make all necessary regulations in relation to said school, and the government and carrying on of the same. They may also establish fire companies in said town, and confirm and appoint the officers selected by said companies, and procure the necessary engines and implements to be used in case of fire, and require all the inhabitants of said town to keep such a number of fire buckets as they may think necessary, and make such regulations as they may think necessary in relation to said companies. They shall have power and authority to establish a watch-house and a work-house, and appoint watchmen, and other officers, to superintend such houses, and to apprehend all offenders and disorderly persons, and take them before the proper tribunal, to be dealt with according to law; all persons who may be confined, by order or judgment of the Police Judge or Justice of the Peace of said town, for breaches of the peace, riots, routs, affrays, unlawful assemblies, or any other offences against the ordinances or by-laws of said town, or the general laws in relation to the same, and all common mendicants and vagrants may, by the order of said Justice or Police Judge, if he think proper to make such order, be confined in said work-house at hard labor, and shall be discharged when the terms of their confinement have been complied with, or the time thereof has expired.

SEC. 14. That the board of trustees of the town of Danville shall have the power to appoint, annually, a Clerk, Assessor, Treasurer, Marshal, Market Master, Surveyor, and such other officers, for said town, as may be necessary to carry into effect the laws, by-laws, rules and regulations made for the general welfare of said town and the citizens thereof, and may prescribe the respective duties, and affix and pay the respective salaries of said officers. They shall require bond

from all officers appointed by them to fill responsible offices, in adequate penalties, with sufficient securities, for the faithful discharge of the duties of their respective offices, and the prompt payment of all sums of money that may come to their hands: and they, and their securities, shall be liable to a judgment in the Boyle Circuit Court in favor of the board of trustees of the town of Danville, or any person entitled to money collected by them, in like manner, and subject to the same penalties that Sheriff or Sheriffs and their securities are. They shall have full power and authority, at any time, to remove any of said officers or their deputies, and appoint others in their stead; and when any vacancy occurs by the death, removal, or resignation, of the chairman of the board, or of any of the officers or their deputies, they shall, in like manner, have full power and authority to appoint others in their stead.

Sec. 15. That all bonds, executed by the persons appointed as officers by the trustees, shall be made payable to the board of trustees of the town of Danville, and that said bonds may contain any stipulations and covenants that the said trustees may think proper to require or receive; and that said bonds, when executed, shall operate as a mortgage and lien upon all the real and personal estate of the officers and their securities, respectively, until all the conditions of said bonds are respectively complied with; and that, for a breach or violation of the condition or conditions of any such bonds, the said trustees may sue and recover, and have the appropriate judgment and execution, by action of covenant or debt, in the Boyle Circuit Court, against the parties to said bonds respectively, and may, also, proceed in chancery, in said court, when chancery proceedings may be necessary against said officers and their securities.

Sec. 16. That the trustees shall appoint, annually, from among the citizens of said town, an assessor, who shall, before he enters upon the duties of his office, take an oath duly and impartially to discharge the duties thereof. It shall be the duty of the assessor to call upon all the taxable persons in said town and make out a true list of their taxable property, with the value thereof; which list shall be made upon the oath of the party, to be administered by the assessor. The assessor's list shall be taken so as to include all the real estate in said town, and all the free white males over twenty one years of age, all slaves, with their value, with all other species of personal property, exclusive of household furniture. If any person or persons shall refuse to give in a list of his or her property, or be absent, the assessor shall make out a list from the best information he can procure; and when there is any real estate in said town, the owner or owners whereof may be unknown, it shall be the duty of the assessor to report that fact, specially, on his list, together with the value of the property. He shall, on or before the first day of June, annually, complete and return the list, so taken, to the board of trus-

1846.

Officers to  
give bond.

Officers may  
be removed.

Stipulations  
in bonds.

Assessor to  
be appointed:  
his duties and  
powers.

When he shall  
make return.



## 1846.

Appeals from  
his assessment.

tees: upon the return of the list of the assessor, the trustees shall give notice that any person or persons, who may feel themselves aggrieved by the valuation of the assessor, may appear before them at a stated meeting, to be held for such purpose, on or before the first day of July, annually, with their evidence, to show the true valuation of such property: and the trustees, on such proof being made to them, may change such valuation.

Taxes to be  
levied.

SEC. 17. That the said board of trustees may, annually, lay and levy the taxes for the current year, and direct the time within which the same shall be paid, at the first meeting of the board after the assessor returns his list, or if any thing should prevent the levy and tax from being then made and levied, the same may be done at the next meeting of the board.

Assessor's list  
to be recorded  
by Clerk.

SEC. 18. That after the first day of August, annually, the clerk of the board of trustees shall record, in a book to be by him kept for that purpose, the assessor's list, with any corrections that may have been made therein by the board of trustees; and the said lists, thus recorded, or attested copies thereof by said clerk, shall be received in evidence, in any court of justice, and shall be *prima facie* evidence that the assessor complied with all the duties prescribed to him by law; and shall, also, be *prima facie* evidence that all the laws in relation to the fixing and adjustment of the taxes have been regularly complied with by the board of trustees and its officers.

Oath of Treasurer:  
bond to be given, and  
penalty & condition.

SEC. 19. That the treasurer appointed by the board of trustees shall take an oath faithfully and honestly to discharge the duties of his office, and shall execute bond, with good security, and in such penalty as the trustees may require; which penalty shall not, at any time, be less than five thousand dollars; which bond shall be conditioned to pay over all moneys which may come to his hands as treasurer, to the trustees or their order; and to perform all the duties imposed on him by law as treasurer; and may contain such other stipulations as the said board may think proper to require. The treasurer shall receive and give a receipt for all moneys paid or received; he shall receive and receipt for all paid to the board of trustees; he shall keep a fair record of all the fiscal concerns of the board, and record, in order, the appropriations of said board, as certified to him by the clerk, and pay the same according to their order: he shall pay no money without receiving a copy of a resolution of the board of trustees, signed by the clerk, making such appropriation, and he shall file all received by him for settlement by resolution of the board. His books shall, at all times, be open to the inspection of persons having claims upon the board, upon reasonable notice. The treasurer shall be and is hereby authorized to receive and receipt for all taxes that may be paid to him on or before the first day of October, annually, by those persons who may owe the same: he shall, on or before the tenth day of October, annually, report to the clerk of the board a true list of all the taxes and moneys re-

Treasurer's  
duties.

1846.

ceived by him, with a list of those taxes and dues which may remain unpaid at that time. He shall be allowed such compensation for his services as the board of trustees may direct, not exceeding two and one half per cent. on all moneys received and paid out by him under the order of the board. He shall, also, whenever required by an order of the board to that effect, attend and report to the board the condition of the treasury, and shall, at all times, be ready for a settlement.

Sec. 20. That the clerk, appointed by the said trustees, shall take an oath faithfully and impartially to discharge the duties of his office, and shall execute bond, with such conditions and with such security as shall be required by the board. It shall be his duty to preserve the books, papers, records, and every thing belonging to his office, and deliver the same to his successor in office. He shall keep a regular journal of the proceedings of the board, with a regular account of the fiscal concerns thereof. He shall file and preserve the poll books annually, and shall record all the acts, resolutions and orders of the board. He shall take all bonds, agreements and records, and preserve all contracts and agreements made between the board of trustees and other persons. He shall copy and sign all resolutions, orders, claims, and allowances, when required to do so by persons having claims against the board: he shall file and preserve, annually, the assessor's book. He shall make out a fair list of the persons and property liable to taxes, with the amount due by such persons or property, in alphabetical order, and place the same in the hands of the treasurer, on or before the first day of July, annually; and he shall file and preserve the report of the treasurer of those taxes which have not been paid; and he shall make out and place in the hands of the marshal, a list of the persons and property by whom or on which taxes and dues to the town remain unpaid, and the amount of the claim respectively.

Sec. 21. That the marshal, appointed by the said trustees, shall be appointed annually, and shall take an oath faithfully to discharge his duties; and shall give bond, with approved security, in a sum not less than three thousand dollars, conditioned faithfully to discharge the duties of his office, and which bond may also contain any other conditions that the board may think proper to require. It shall be the duty of the marshal to serve all processes, precepts, notices, and also to execute and levy all executions to him directed from the Police Judge, and make due return thereof; to collect all taxes of said town, executions and other demands, which may be put into his hands to collect, and account for, and pay over the same to whoever shall be legally entitled thereto, under the same rules and regulations required by law of Sheriffs in the collection of taxes, and of Constables in the service of like processes, and in the collection of executions or other demands; and for a failure to discharge any of the duties required of him, he and his securities shall be subject to the same proceedings

Clerk to take an oath & give bond.

Clerk's duties defined.

Marshal to take an oath: give bond.

Marshal's duties defined.

Liability for failure to discharge duties.

1846.

May have a  
Deputy.

Marshal's fees.

Lots may be  
sold for taxes  
unpaid: how,  
when, and by  
whom.

Evidence of  
publication.

which may be had against Sheriffs and Constables and their securities in similar cases, and to the payment of the same damages for the non-performance of his duties to which Sheriffs and Constables and their securities are liable in like cases. He shall serve and execute all orders and notices issued or made by the board, and make due return on the same. He may have a deputy or deputies, by and with the advice and consent of the board, and shall, together with his securities be as fully responsible to the neglect, misconduct, malfeasance, or other default of his deputy or deputies as though he himself had been guilty of said neglect, misconduct, malfeasance, or other default, in his proper person. He shall be entitled to the same fees and per cent., for collecting the town tax, penalties and forfeitures, as Sheriffs and Constables are in like cases, where it is not otherwise provided for by this act, or the order of the board. He shall be entitled to a fee of one dollar for serving a peace warrant, or warrant for a rout, riot, affray, or breach of the peace, and for all warrants where fines are to be assessed by a jury before the Police Judge; and to a fee of twenty five cents for all other warrants for penalties, forfeitures, and debts, to be tried by the Police Judge without a jury. He shall be entitled to a fee of twelve and a half cents for summoning a witness, and to the same fees from the State, to be paid out of the Treasury and county levy, for serving felony warrants and warrants against slaves for misdemeanors, as Constables are for like services. The marshal and his deputy or deputies, are authorized to take replevin bonds on all executions in which a replevin is allowed by law, and make the same payable in three months to the plaintiff in the execution: *Provided, however*, that the said marshal shall be invested with all the power and authority which is given to Constables as peace officers, and in all cases cognizable before said Police Judge.

SEC. 22. That if, on the first day of November there may be due, and unpaid, any tax or taxes, upon any lot or fractions of a lot, in said town, which tax, or taxes, may be imposed by virtue of this act, it shall be the duty of the Board of Trustees of the town of Danville to cause to be published in the newspaper of the town, for the time being, a list of all the lots, and fractions of lots, on which the tax, or taxes, may be unpaid, and also the amount due and unpaid upon each lot, and fraction of lot respectively, for two months, by successive weekly publications; and they shall also state, in a note appended to said list, the day, or days, on which said lots, or fractions of lots, or so much of each lot, or fraction of a lot, will be sold as may be necessary to discharge and pay off the tax, or taxes, due thereon, respectively; and a copy of said list, as published, accompanied by the affidavit of the printer, that the same has been published agreeably to the provisions of this act, shall be recorded in the Clerk's office of the Boyle County Court, and when so recorded, shall be *prima facie* ev-

idence that said publication was made as prescribed by this act, and an attested copy of the same may be used on the trial of any cause, and shall have the same force and effect of other attested copies as now authorized by law. If the tax or taxes thus due, and advertised upon the lots, or fractions of lots, are not paid on or before the time thus appointed for the sale, it shall be the duty of the marshal to expose to sale on the day, or days, so appointed, the said lots, or fractions of lots, or so much thereof as may be necessary to pay the tax, or taxes, due on them, respectively, to the highest bidder. The sale shall take place at the court house, in Danville; and in case of a sale, it shall be the duty of the marshal to convey the same to the highest bidder, and his deed, thus made, shall pass the title of the lot, or fraction of lot, as purchased, to the purchaser: *Provided, however*, that the same may be redeemed at any time within two years, by the original owner, or owners, and their assignees, by paying the purchaser, or his heirs or assignees, his purchase money, with interest at the rate of fifty per cent., annually, on the sum paid by him, and all costs and charges incurred by virtue of such sale: *And provided, also*, that infants, and *femes covert*, and persons of unsound mind, shall have two years after their several disabilities are removed, to redeem their grounds.

SEC. 23. That the Board of Trustees of the town of Danville shall have power and authority to assess, annually, levy, and collect, a tax on all real and personal estate within the limits of said town, not to exceed forty cents on the hundred dollars worth of property. They shall have power to levy and collect a poll tax, not exceeding one dollar and fifty cents on all free male persons in said town over the age of twenty one years. They may tax all theatrical performances, shows and exhibitions of all kinds, in any sum not exceeding forty dollars for such exhibition, on any one day. They shall have the power and authority to tax all auctioneers in a sum not exceeding five per cent. for all goods, wares and merchandise, and articles sold to bidders within said town, except property sold by citizens of the town, of their own manufacture, or by order of court, or by executors, administrators or guardians, and shall have a lien on the articles sold, or to be sold, for such tax, until the same is paid, or the person selling the same takes out license for that purpose. They shall have power to license auctioneers, drays, wagons, carts, hacks, and coaches, plying in said town for hire. They shall have a lien on all real and personal estate in said town, until all the taxes, due by the owners thereof, are paid, and all such property shall be liable to be sold, or so much thereof, as will pay such tax and costs of sale. They shall have power, with the concurrence of five of their number, to prohibit the erection of buildings of wood, or to regulate the size and height of such buildings in any part of said town, whereby great danger may ensue to valuable and permanent improvements, and enforce the ob-

1846.

Where sale  
to be made.

Conveyance  
to be made.

Lots sold can  
be redeemed.

Tax on prop-  
erty.

Tax on shows.

Tax on auc-  
tion sales.

License drays  
&c.

Lien for tax-  
es.

1846.

Powers in  
relation to tip-  
pling houses.

May license  
taverns, &c.:  
tax on same.

Tax to the  
State how paid

Powers and  
jurisdiction of  
Police Judge.

servance of the same by fines and penalties. They shall have power to suppress all tippling houses, houses of ill-fame, disorderly houses, and all retailing of spirituous liquors without license, and to fine all those who may violate their by-laws in relation thereto, in any sum not exceeding one hundred dollars for each offence, which may be recovered before the Police Judge of said town. They shall have the right to tax, and exclusive right to license, all taverns within the limits of said town, granting to, or withholding from, the same, as may be deemed expedient by said Trustees, the privilege of selling by retail, wines, brandies, whiskey, rum, and other spirituous liquors and intoxicating drinks, and fix the tax therefor, in a sum not exceeding two hundred dollars on each, per annum, and to discontinue the said licenses, or any one thereof, at pleasure, and without instituting legal proceedings: *Provided*, that the said Trustees, upon their discontinuing any license, shall, of the money received therefor, refund to the licensee, a part thereof, bearing the same proportion to the whole sum received, that the time unexpired, does to the whole time for which said license was granted: *Provided, moreover*, that the said Trustees cause their treasurer to pay annually, into the public treasury, out of said tax for licenses, the amount belonging to the public revenue; and the said Board of Trustees shall be bound to make the annual reports of the amount of tax received therefor, and pay over the amount due thereon, to the State in the same manner that Clerks of the County Courts are required to do, and under the same penalties, and shall be liable to be proceeded against by the Auditor, for any default in the same manner. Any law giving the County Court of Boyle county the power to grant tavern license within the limits of said town, is hereby repealed.

SEC. 24. That the Police Judge of the town of Danville, shall have jurisdiction, within the limits of said town, of all misdemeanors, and of all causes, civil, criminal, or penal, in which Justices of the Peace have jurisdiction; and that in criminal or penal cases, he shall have the jurisdiction now given by law to two Justices of Peace; and shall proceed in the same manner that Justices of the Peace are required to proceed in similar cases. He shall have full power and authority to require bail and receive the acknowledgment and execution of recognizances of bail, in all cases originating before him in which bail is, or may hereafter, be authorized or required, by the law of the land; and such recognizances shall be taken in such form, and be returned in such manner, as is, or may be prescribed by the several laws authorizing or requiring bail. He shall be a conservator of the peace, and have jurisdiction over affrays, assaults or batteries, riots, breaches of the peace, unlawful assemblies; all cases of indecent or immoral behavior or conduct, calculated to disturb the peace and dignity of said town; over all cases of drunkenness, profane swearing, Sabbath breaking, running horses, firing guns or

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pistols, making reports by burning powder, or matches, or crackers, blowing horns, flying kites, crying aloud by day or night, and other riotous and disorderly conduct whatever within said town; all of which are hereby declared to be misdemeanors. He shall have the same jurisdiction, power, and authority in civil cases, that any Justice of the Peace for Boyle county has. He shall have jurisdiction of all offences or causes arising out of the by-laws and ordinances passed by the Board of Trustees for the enforcement of the powers granted them by law. He shall have the power usually granted to certain Justices of the County Court to issue writs of injunction, restraining orders against absent defendants, writs of ne exeat, habeas corpus, order of supersedeas on writs of error coram vobis, under the rules and regulations prescribed by law as to those writs respectively; and the same proceedings shall be had thereon as are prescribed by the several acts authorizing certain Justices to issue like writs. He shall have power to order the Marshal to summon a jury in any case cognizable before him, when a jury would be required before a Circuit Court, or Justice of the Peace. He shall have power to issue summons for witnesses in cases pending before him, and upon their failure to attend, may award compulsory process to compel their attendance. He shall have power, without the intervention of a jury, to fine and imprison for contempts, provided the fine does not exceed ten dollars, nor the imprisonment twelve hours. It shall be lawful for him to take depositions, and certify the same, when they are to be read as evidence in any cause pending in any court in this Commonwealth. He shall keep a record of his proceedings, a copy of which shall be evidence in all courts of justice, and have the same effect as records of Justices of the Peace. All trials before the Police Judge shall be held and had in the town of Danville.

SEC. 25. That upon all judgments rendered by the said Police Judge, either party shall have the right to appeal from said judgments in the same manner that appeals are taken from judgments of Justices of the Peace in similar cases.

Appeals may be taken from his judgments.

SEC. 26. That the Police Judge shall issue his process in the name of the Commonwealth, as other warrants, except in cases otherwise provided for in this act, and make them returnable before him as Police Judge of Danville. The same shall be directed to the Marshal, or to any Constable of Boyle county, and shall be executed or returned by the Marshal or Constable, as the case may be, under the same penalties as other process from Justices of the Peace: *Provided, however*, that when any prosecution is instituted and carried on at the instance of the Board of Trustees, the warrant shall state that it issued at their instance, in which case they shall be entitled to the fine or penalty recovered; and in case the defendant or defendants are acquitted, the said Trustees shall be liable

Process issued by Police Judge to be in name of Commonwealth & directed to Marshal.

1846.

Police Judge's  
Fees.

for such costs as may be adjudged in favor of the defendant or defendants. The Police Judge shall be entitled to a fee of one dollar for a peace warrant, or for a warrant for a riot, rout, or breach of the peace, or unlawful assembly, or affray, or any misdemeanor, or for a breach of any of the laws in relation to the town of Danville, or of any by-laws, or ordinances of the Board of Trustees. He shall be entitled to a fee of twelve and a half cents for recording judgment; twelve and a half cents for an order of sale; twelve and a half cents for a subpoena, and twelve and a half cents for a certificate; and in all other cases his fees shall be the same as those of a Justice of the Peace for like services.

Mode of  
proceeding in  
prosecutions by  
Board Trustees.

Sec. 27. That in all suits and prosecutions issued by the Board of Trustees, they may, at their election, either adopt the ordinary mode of declaring and pleading, or may file a petition, stating in plain and simple language, the cause of their complaint, and the character of the judgment which they require; upon which petition a summons shall issue, requiring the defendant or defendants to answer the same; and upon which summons, bail may be required, when the petition states a case in which bail is demandable by law; and upon the execution of the summons, the defendant or defendants shall, on the day when the same stands for trial, file a general traverse to the same; and in default thereof, a writ of enquiry shall be had, and damages assessed, as in ordinary cases, when a writ of enquiry is necessary; and when no writ of enquiry is necessary by the rules of law, a judgment shall be taken by default. No objection shall be taken to the form of the petition, if it apprise the defendant or defendants, with reasonable certainty, of the charge which he is called to answer; and under the issue as thus directed to be enjoined, either party may introduce any testimony that would be proper under any state of special pleading in bar, or replication thereto; and the defendant may also, under the issue, avail himself of any equitable defence which he may have to said petition. In such proceedings, by petition, such judgment shall be rendered and such executions be awarded as the justice of the case may require.

By-laws and  
regulations  
may be adopted.

How enforced.

Sec. 28. That said Trustees shall exercise and possess all the powers and privileges which, by the general laws of the land in relation to towns, are granted to Trustees; and shall have full power and authority to make all necessary by-laws and regulations for the purpose of carrying into effect the powers granted by this act; and also, such as may be necessary for the comfort, cleanliness, good order and security of said town, and the citizens thereof; and may enforce the same by adequate penalties, to be recovered in their name, before the Police Judge, or any Justice of the Peace: *Provided*, the same are not contrary to the constitution or laws of the land. And upon issuing of a warrant by the Police Judge or Justice of the Peace, as the case may be, against any person or per-

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sons, charged by the said Trustees, or their legally authorized officer, with a violation of the by-laws of said town, it shall be the duty of the Police Judge or Justice of the Peace, as the case may be, if so requested by the said Trustees, or officer, making the charge, to endorse on said warrant, that the officer serving the same shall demand of the person or persons; so charged, to enter into bond, with good security, in a sum not exceeding twice the amount of the penalty attached to the offence charged in the warrant, to be fixed by the court issuing the same, conditioned for his, her, or their appearance before the Judge or Justice, as the case may be, to whom said warrant may be made returnable, at the time and place fixed upon in said return, and for his, her, or their, abiding by, performing, and complying with the order or judgment of the court thereon; and upon failure so to do, said bond shall be declared forfeited, and the amount thereof to be collected by execution, or *capias profine*, to be issued by the court thereon; and if the person or persons so charged in any warrant, as aforesaid, requiring bail, shall fail or refuse to execute bond, as aforesaid, it shall be the duty of the officer serving the same, to retain such person or persons in custody until discharged by the court, as aforesaid; and upon the rendition of any judgment for a violation of the by-laws of said town, the court rendering the same shall issue instantler, if required by the Trustees, or their legally authorized officer, an execution against the estate of the person or persons so found guilty, for the amount of the fine adjudged, and costs, or a *capias profine* for the same, against the body or bodies of the said person or persons; and the officer serving the same, shall cause like proceedings to be had thereon, as if the same had been issued by authority of the Circuit Court; and it shall be the duty of the Police Judge or Justice of the Peace, as the case may be, before whom any warrant may be returned, as aforesaid, at the request of the party accused, to cause a jury to be empannelled to try the same: *Provided*, the offence charged be such, that if it was tried in the Circuit Court a jury would be empannelled for the trial thereof, at which said trial the said Judge or Justice shall preside, and render judgment in accordance with the verdict of the jury.

How process  
may be execu-  
ed.

Jury may be  
summoned.

SEC. 29. That the present Trustees and officers of the town, shall continue in office until the Trustees are elected and qualified under the present act, and are hereby invested with all the powers, rights and privileges which the Trustees and officers to be elected under this act, will possess. No suit shall be instituted against the said Trustees, unless the same is instituted in the county of Boyle; and service of process on the chairman of the Board shall be sufficient.

Present Trus-  
tees to contin-  
ue until others  
are elected.

Service pro-  
cess vs. Trus-  
tees.

SEC. 30. *Be it further enacted*, That the late Police Judge of Danville shall, on demand, after this act takes effect, deliver his papers and records pertaining to his office, to the Police Judge who may be appointed under this act, and who

Late Police  
Judge to de-  
liver his pa-  
pers, &c. to his  
successors



**1846.** shall certify copies of any records of the late Police Judge, and the same shall be evidence in all Courts of Justice within this Commonwealth.

**Repealing clause.** SEC. 31. Each and every act, or section of an act, coming within the purview of this act, is hereby repealed. This act shall be in force from the passage thereof.

Approved February 16, 1846.

#### CHAPTER 190.

AN ACT providing for a change of venue in the prosecution against Reuben Payne.

**May be changed from Monroe to Allen Circuit Court.**

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a change of venue is granted to Reuben Payne, who stands indicted in the Monroe Circuit Court for passing counterfeit money. That it shall be lawful for said Payne, on or before the calling of said indictment for trial, at the first term of the Monroe Circuit Court succeeding the passage of this act, to appear in said court, and elect to be tried in the Allen Circuit Court; and upon such election being made, the Monroe Circuit Court shall recognize the said Payne, by competent securities, in a sufficient penalty, to be and appear in the Allen Circuit Court to answer said indictment, and not depart thence without the leave of said court; and shall, also, recognize the witnesses, as well on the part of the Commonwealth as for said Payne, if required by him to appear in said Allen Circuit Court, to testify in said case for the Commonwealth and the accused; and the Clerk of the Monroe Circuit Court shall transmit the said indictment, and all the papers in said case, with a full transcript of all the orders of court made in said case, to the Clerk of the Allen Circuit Court, who shall receive and file the same in said court, as part of the records thereof, and shall docket the same, accordingly, among the pleas of the Commonwealth; and thereupon, the Allen Circuit Court shall have as full and ample power and jurisdiction to try said case as though it had originated in the Allen Circuit Court, and had been an indictment properly found by the grand jury of said court; and in the event the indictment shall be quashed, or ruled bad on demurrer, or the judgment shall be arrested for any cause whatever, the said Payne shall not be discharged therefor; but he may be again indicted by the regular grand jury, if in session, or the court may order a special grand jury for that purpose, if required or desired to do so by the prosecuting attorney; and, thereupon, said case, and such new indictment found, shall be proceeded with in all particulars as if the case had originated in Allen county.

**Accused & witnesses to be recognized.**

**Papers to be transmitted.**

**Jurisdiction given to Allen Circuit Court.**

**Sec. 2.** *Be it further enacted,* That the same fees and mileage shall be allowed to witnesses, for mileage and attendance, as in other cases, to be paid in the manner pointed out by law.

1846.

Fees and mileage to witnesses.

Approved February 14, 1846.

CHAPTER 191.

AN ACT for the benefit of Charles S. Boswell.

**Sec. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Charles S. Boswell, of Fayette county, be and he is hereby declared capable, in law, of settling with his guardian or guardians, and be competent to receive and receipt for any money, or other estate, that may be coming to him; and any and all his acts, in reference to said estate, shall be as binding upon him as if he were of lawful age.

**Sec. 2.** *Be it further enacted,* That said Boswell is hereby declared to be competent to contract and be contracted with, sue and be sued, as though he were twenty one years of age; and the legal disability of infancy is hereby removed.

Approved February 14, 1846.

CHAPTER 192.

AN ACT for the benefit of James Coleman's children.

**Sec. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for James Coleman to file a bill in chancery, in the Oldham Circuit Court, against Sarah and Mary Coleman, his surviving daughters, and Daniel Taylor, James C. Coleman, and Jeffrey W. Bondurant, their Trustees, praying for a sale of the negro woman Nancy, conveyed by the said James Coleman to the said Trustees, and her children Abraham, Mahala and Jordan; and if it shall seem to the interest of the said children, it shall and may be lawful for the said court to order a sale of the said negro woman and her children, upon such terms and credits as the said court may deem most advisable.

Bill may be filed in Oldham Circuit Court asking sale of slaves held in trust for their use.

**Sec. 2.** It shall and may be lawful for the said Court to direct the proceeds of sale, as aforesaid, to be appropriated in the purchase of other negroes, to be conveyed to and held by the said Trustees, or any others to be appointed, on the terms and trusts under which the said Nancy and her children were held. And the said court may direct the money to be paid over to the said Trustees, or any new Trustee to be appointed, to be invested as aforesaid: *Provided, however,* that before the said court shall direct the proceeds to be paid over, as aforesaid, the said court shall require bond, with good security, in

How proceeds sale to be disposed of.

1846.

Bond to be  
given.

the penalty to be fixed by the court, and conditioned to perform any order to be made by the said court in the premises.

Approved February 14, 1846.

## CHAPTER 193.

AN ACT for the relief of Jane, Marion and Samuel Walker, infant heirs of Harvey M. Walker, deceased.

Preamble.

WHEREAS, Harvey M. Walker, in the year 1841, removed from this State to the State of Mississippi, carrying with him certain slaves, to-wit: Jack, Hannah, Alfred, John, and Emily and her three children; and in the year 1843, the said Harvey M. Walker and his wife both died, leaving three infant children, namely, Jane, Marion and Samuel, who have been brought back to this State by their relative and guardian, Jane Worley: upon a settlement of the estate of said Harvey M. Walker, the said slaves is all the estate left for the support of said infants, and doubts being entertained whether said guardian can lawfully bring said slaves back to Kentucky. For remedy whereof:

May import  
slaves.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the guardian of said infant heirs of said Harvey M. Walker, deceased, to bring from the State of Mississippi to this State, for the use and benefit of said infants, the slaves named in the preamble to this act: *Provided, however,* that said guardian shall, within sixty days after said slaves are brought to this State, make oath before some Justice of the Peace, that said slaves are the property of said infants; that they derived title thereto by devise or descent from their father Harvey M. Walker, deceased; which certificate shall be recorded in the office of the Clerk of the County Court of the county, in which said infants may be residing, within thirty days after its date.

Approved February 14, 1846.

## CHAPTER 194.

AN ACT for the benefit of Joseph W. Wood.

WHEREAS, Joseph W. Wood, of Barren county, hath, by petition, verified by oath, represented to the General Assembly, that he purchased a negro man slave named Isaac, in the State of Mississippi, that he might return him to his wife in Kentucky. Therefore:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Joseph W. Wood be and he is hereby authorized to bring and import into this State said slave, without incurring the penalties of the law in such cases made and provided.

Approved February 14, 1846.

## CHAPTER 195.

1846.

AN ACT to change the name of Woodson Clay Gordon to that of Woodson Clay Montgomery.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the name of Woodson Clay Gordon, be and the same is hereby changed to that of Woodson Clay Montgomery, and by that name shall hereafter be called and known.

Approved February 14, 1846.

## CHAPTER 196.

AN ACT for the benefit of Thomas Shannon Head.

WHEREAS, it is represented to the present General Assembly, that Thomas Shannon, of the State of Alabama, has, by deed of gift, conveyed to Thomas Shannon Head, an infant and son of Daniel Head, of the county of Hopkins, certain slaves, in consideration of said infant bearing the name of said Thomas Shannon. Therefore:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Daniel Head be and he is hereby authorized to bring into this State from the State of Alabama, the following slaves, to-wit: Malinda, and her child Andrew, a boy about seven years old, for the benefit of said infant: *Provided*, the said Daniel Head, the father of said infant, shall, within sixty days after the introduction of said slaves into this State, file, and cause to be entered on the order book of the County Court of Hopkins, his affidavit, setting forth the names of said slaves, and that they were brought into this State for the use of said Thomas Shannon Head, and not for sale or merchandize.

Approved February 14, 1846.

## CHAPTER 197.

AN ACT for the benefit of the Trustees of the town of Carlisle.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Trustees of the town of Carlisle, in Nicholas county, be and they are hereby authorized to sell and convey to the purchaser, any alley or alleys in said town, and apply the proceeds thereof to the improvement of the streets of said town: *Provided*, that no alley shall be sold unless the owners of lots situated thereon shall first give their consent, in writing, to the said Trustees; which said written consent shall be filed in the archives of the town.

Approved February 14, 1846.

1846.

## CHAPTER 198.

AN ACT to amend an act, entitled, "an act to provide for taking the sense of the people of Mason county, relative to the seat of justice of said county," approved 1st February, 1845.

Preamble.

WHEREAS, by an act passed at the last session of the General Assembly, entitled, "an act to provide for taking the sense of the people of Mason county relative to the seat of justice of said county," in pursuance of which act a vote was taken at the last annual election as to the propriety of removing the seat of justice of said county from Washington to the city of Maysville, by which vote it appears that thirteen hundred and three votes were in favor of the removal, which did not constitute a majority of all the legal voters of said county, as appears by the return of the Sheriff of said county: and, whereas, since the said election, petitions were circulated to procure those who did not vote on the subject of removal, and were designated as neuter, and those who were not at the election, as also those who voted for the seat of justice to remain at Washington, to petition for the removal of the seat of justice to Maysville, which petitioners, together with the votes given at the polls for the removal, would constitute a majority of all the voters of said county agreeably to the Sheriffs' report: and, whereas, this mode of ascertaining the public sentiment of the county was not contemplated by the people of said county, nor provided for by the act under which the sense of the people was to be ascertained; it is, therefore, not just that it should be conclusive on the people opposed to said removal, and that it is nothing but fair and just that the subject should again be referred to a vote of the people of said county, to ascertain whether there is such a decided majority of all the voters of said county in favor of the removal of the seat of justice to Maysville as will render the same permanent and satisfactory. Therefore:

Sheriff and  
deputy to open  
polls.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the Sheriff and several deputy Sheriffs of Mason county, at the next annual election, to cause a poll to be opened at the court house and at the several election precincts in said county, for the purpose of ascertaining the number of qualified voters in said county who are in favor of removing the seat of justice of said county to the city of Maysville; and each voter, when voting for members of the General Assembly at said election, shall be asked by the Judges of the election, whether he is in favor of removing the seat of justice to the city of Maysville; if he answer in the affirmative, his vote shall be placed in the column for removal.

Sheriff to  
certify to Leg-  
islature num-  
ber of votes  
for removal.

Sec. 2. *Be it further enacted*, That the High Sheriff of said county shall certify to the next Legislature, in alphabetical order, the names of all the voters in favor of removing the county seat to the city of Maysville; also, the whole number of legal voters in the county, which shall be ascertained

by the Commissioners' Books for the year 1846, taking the number of white tithes over the age of twenty one years, and deducting from, said number persons not naturalized, whose names shall be listed in said Books; and to enable the Sheriff to make such deductions, he shall avail himself of the assistance of the Commissioners of Tax, who shall have taken in such lists for the year 1846, and whose duty it shall be to make accurate returns of the number of aliens not naturalized, and whose names are on the Commissioners' Books as tithes, over twenty one years. The Sheriff shall, also, deduct all those who may have died between the time of taking in the lists of taxable property and the said election, and he shall add to the number of white tithes, as returned by the Commissioners of Tax, all those who may be entitled to vote at said election who have removed into the county, or who may have arrived at the age of twenty one years since the said Commissioners took in their lists of taxable property.

**1846.**  
How number of voters in the county are to be ascertained.

**SEC. 3.** *Be it further enacted,* That all those legally qualified voters of said county, who shall be certified by three Commissioners, appointed by the County Court at its September or October term for the purpose, to be legal voters, and which voters may not attend the polls at said election, shall, after the election, have the right of petitioning the next Legislature either in favor or against said removal by giving legal notice.

Petitions may be presented by those not voting.

Approved February 17, 1846.

CHAPTER 199.

AN ACT to incorporate the town of Midway, in Woodford county.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the town heretofore laid off in 1833, by the Lexington and Ohio Railroad Company, in the county of Woodford, shall be and the same is hereby established and incorporated, upon the plan formed and laid down upon the map of said town, and the same is hereby ratified and confirmed, and shall be known and designated by the name of Midway, having for its boundary the full extent laid down upon the said map.

Town established.

**SEC. 2.** *Be it further enacted,* That William Montague, William Kercheval, S. E. Burton, Guy Hamilton, and T. J. Iles, are hereby appointed and constituted Trustees for said town, who shall continue in office for one year from and after the passage of this act, and until their successors are duly elected and qualified.

Trustees appointed: term of office.

**SEC. 3.** *Be it further enacted,* That the Trustees shall have the power to fix the time and place for holding elections, to appoint one of their body as Chairman, and to appoint their Clerk, Assessor, and any other officers that may be necessary for the internal regulations of said town; and the said Trustees

Trustees to fix time for electing Trustees, and appoint officers.

1846.

May pass by-laws.

tees shall have power and authority to pass and enforce all by-laws, and do any and every act, for the regulation and good government of said town, which the Trustees of towns are authorized, to do under the general laws of this Commonwealth in relation to towns.

Taxes may be levied and collected.

SEC. 4. *Be it further enacted*, That the Trustees of said town may, annually, levy a tax upon the property and inhabitants of said town; and that all property, both real and personal, within the limits of said town, that is or may be subject to taxation under the revenue laws of this State, shall be subject to taxation by the Trustees of said town; and that the sum hereby authorized to be raised shall be appropriated to the improvement of said town, and for such other purposes as the Trustees may direct: *Provided, however*, that the amount raised shall not exceed two hundred dollars in any one year.

Qualification of Trustees.

Vacancies—how filled.

Trustees & officers to take oath.

SEC. 5. *Be it further enacted*, That no person shall be elected Trustee of said town, unless he shall be an inhabitant thereof, and an owner of real property therein; and should any vacancy occur, between the time of elections, they may fill that vacancy by appointment; and the Trustees, and all officers and agents appointed by them, shall, before entering upon the duties of their offices, take an oath faithfully to discharge the duties of their offices respectively.

May recover fines for breaches of by-laws.

Fines—how collected and applied.

SEC. 6. *Be it further enacted*, That the Trustees of said town shall have full power to impose and recover fines for any sum of money not exceeding ten dollars, for any breach of any of the by-laws or ordinances; which fine or fines may be collected before any Justice of the Peace of said county, in the name of the Trustees; the fines to be appropriated for the use and benefit of said town: *Provided, however*, that any fines assessed, for a violation of any of the existing laws of this Commonwealth, shall be appropriated as other fines now by law directed.

Who may vote for Trustees.

SEC. 7. That every person, liable to be taxed by the foregoing provisions, shall have the right to vote at the election of Trustees, provided he is a citizen of this Commonwealth.

Approved February 17, 1846.

#### CHAPTER 200.

AN ACT to extend the corporate limits of Newport, and for other purposes.

Boundary of land added.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the following tract of land is hereby added to, and made part of, the town of Newport, and subject to all the laws and statutory regulations relating to said town, as now established, to-wit: All that tract of land, adjoining the present town, comprehended within the following boundary, viz: beginning at a stone pillar, being a point in the eastern line of the street in said town, distinguished on the recorded plan thereof as East Row, where it would be inter-

sected by the northern line of Eglantine Alley of said town, if the same were extended eastwardly; thence north  $37\frac{1}{4}^{\circ}$  E., 41 29-100 poles, to a stone pillar; thence north  $34\frac{1}{4}^{\circ}$  E., 100 poles, crossing James Taylor's creek twice, (being a bend thereof,) to a stone pillar on the west side of said creek, and near the bank of the same; thence north  $84\frac{1}{4}^{\circ}$  west, 35 7-10 poles, to a stone pillar on the westwardly side of said Taylor's mill creek, on the Ohio river, about half way between high and low water mark; thence parallel with the Ohio river, or nearly so, south  $33\frac{1}{4}^{\circ}$  W., 38 poles, to a point about half way between high and low water mark; thence south  $36\frac{1}{4}^{\circ}$  west, 79 9-10 poles, to a stone pillar at a point about half way between high and low water mark, and where the last mentioned course would be intersected by the eastern line of said East Row, if said eastern line of said East Row were extended; thence with the eastern line of said Eastern Row south  $40^{\circ}$  E., 32 poles, to the place of beginning; it being the same land that has been regularly platted, and a regular map or plat thereof recorded, due reference being had thereto, containing about thirty acres, be the same more or less.

SEC. 2. That an act, entitled, an act to amend an act concerning the town of Newport, and for other purposes, approved February 10, 1845; be and the same is hereby so amended, so far as that each of the wards mentioned in said act, shall be entitled to a representation in the Board of Trustees of said town, of two members only; and the representation from said wards is hereby reduced to the number of two from each ward aforesaid.

Act of 1845  
amended in  
relation to rep-  
resentation in  
wards.

SEC. 3. That in all meetings of said Trustees, four Trustees and the President of the Board, or, in his absence, five Trustees, shall form a quorum to do business; but in levying the taxes, or in passing any by-law or ordinance, a majority of the whole shall concur.

Number of  
Trustees to  
form quorum.

Approved February 17, 1846.

# CHAPTER 201.

AN ACT for the benefit of Sabina Turpin, and others.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for Anderson J. Turpin and Sabina Turpin, his wife, to file their bill in chancery, in the Bourbon Circuit Court, against Wilkerson Turpin, and the children of said Sabina, to-wit, Josephine, Mary A., William C., Louisa, Gustavus, Genevieve, Alonzo, and Clifton Turpin, alleging the conveyance from George Linney to Thomas Botts, in trust for the separate use of said Sabina and her children, of a negro woman and her four children, Allen, Julia, Isabella, and Joseph; in which bill they shall exhibit said deed of conveyance, or an authenticated copy thereof, and alleging and showing, also, that, by a decree of the Montgomery Cir-

Court au-  
thorized to  
confirm an ex-  
change slaves  
held in trust,  
for a house and  
lot.



1846.

cuit Court, the legal title to said slaves was taken from said Botts and vested in said Wilkerson Turpin, as a depository of said trust: and, also, alleging that said Wilkerson Turpin made a contract with William Burr to exchange or swap said slaves, Allen and Joseph, for a house and lot in the town of Paris, in said county of Bourbon, and that it would be to the interest of said Sabina, and her children, that said contract should be confirmed; and, upon its appearing to the satisfaction of the court that the title of said Burr, to said house and lot, is a valid one, and that it would be to the interest of said Sabina, and her children, to have said contract effectuated, it shall be lawful for said court to order a confirmation of said contract, by a decree, confirming the title of said slaves, Allen and Joseph, to the said Burr, and directing said Burr to convey said house and lot to the said Wilkerson Turpin, to be held by him for the separate use of the said Sabina and her children.

Approved February 17, 1846.

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CHAPTER 202.

AN ACT to amend the road law in Greenup county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the overseers of the public roads in Greenup county be allowed until the first Monday in May, each and every year, to return their delinquent lists to the Clerk of the County Court, instead of the first Monday in December, as now required by law.

Approved February 17, 1846.

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CHAPTER 203.

AN ACT for the benefit of Carol Kendrick.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Carol Kendrick be and he is hereby permitted to bring into this State a negro girl slave, named Cela, about fourteen years of age, provided he will, within thirty days after said slave shall have been brought into this State, make oath before some Justice of the Peace of Jefferson county, that he did not bring said slave into this State for merchandise, but for his own use; a certificate of which oath he shall file with the County Court Clerk of said county within thirty days.

May import  
a slave.

Approved February 17, 1846.

CHAPTER 204.

1846.

AN ACT to change the name of William Mahan to William Nelson Rice.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the name of William Mahan be and the same is hereby changed to that of William Nelson Rice.

Approved February 17, 1846.

CHAPTER 205.

AN ACT to authorize the appointment of a Police Judge for the town of Athens, in Fayette county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the Governor, by and with the advice and consent of the Senate, to appoint a Police Judge to reside in the town of Athens, or its vicinity, who shall be commissioned, as such, during good behavior; who, before he enters upon the duties of his office, shall take an oath before some Justice of the Peace to discharge the duties of his office faithfully and impartially, to the best of his ability. The said Police Judge shall have jurisdiction, within the limits of said town, of all causes of which Justices of the Peace have, and shall be entitled to the same fees, to be collected in the same way; and the right to appeal shall be allowed from the judgment of said Police Judge, in all cases, as is now allowed by law from the judgment of Justices of the Peace, and under the same rules and regulations; and he shall have jurisdiction and power to enforce and carry out the by-laws and ordinances of the Trustees of said town, that shall not be inconsistent with the constitution and laws of this State.

Approved February 17, 1846.

CHAPTER 206.

AN ACT to amend the law regulating the election of Trustees in the town of Port Oliver, in Allen county, and the town of Hopkinsville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an act, entitled, an act to amend an act to regulate the election of Trustees in the town of Port Oliver, in Allen county, be and the same is hereby so amended, as to authorize any Justice of the Peace of said county to hold said election; at which election, it may be lawful for all persons living in said town, and within one half mile thereof, who, at such election, may be legally entitled and qualified to vote for Representatives to the General Assembly of this State, to vote at said Trustee election.

SEC. 2. That five Trustees shall be elected, as aforesaid; any three of whom may act, after being qualified by some Justice of the Peace, by the administration of an oath to them

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to faithfully discharge their duties as Trustees of said town: they shall keep a full and fair record of all the proceedings, in their Trustee capacity, in a book, by them, to be kept for that purpose.

SEC. 3. That said Justice, after the same shall be recorded by said Trustees, shall file the original poll books of said elections with the Clerk of said county, by him to be filed in the Clerk's office of said county.

SEC. 4. That the elections for Trustees of the town of Hopkinsville shall, hereafter, be held on Saturday before the first Monday in August of each year, under the same rules and regulations as now provided for by law.

Approved February 17, 1846.

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#### CHAPTER 207.

AN ACT for the benefit of the Sheriff of Laurel county.

WHEREAS, it is represented to the present General Assembly, that Thomas Jones was duly commissioned Sheriff of Laurel county, for the year 1842, received the Commissioners' Book, and proceeded to the collection of the revenue due from said county, for the year 1842; that said Jones' security took a rule upon him for counter security, which vacated his office as Sheriff, as aforesaid; that Benjamin Catching was afterwards duly commissioned Sheriff of said county of Laurel, for the year 1842; received the Commissioners' Book and in like manner proceeded to the collection of the revenue of said county of Laurel, for the year 1842, and in the latter part of September resigned his office as Sheriff aforesaid; that Jarvis Jackson was duly commissioned Sheriff of Laurel county in October 1842, and proceeded to the collection of the balance of the revenue due from Laurel county for the year 1842; that Jones and Catching failed to pay into the treasury any portion of the revenue so collected by them in the year aforesaid; that Jarvis Jackson paid into the treasury in due time \$192 71; that judgment was rendered against Jarvis Jackson for \$311 88 cents, the balance in full of the revenue due, as aforesaid, for the year 1842, with interest from June, 1843, until paid, and costs of suit, thereby making Jackson responsible for what had been collected by his predecessors, with interest and costs, for the year aforesaid. For remedy whereof:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Second Auditor is hereby directed, upon the payment of the judgment, that is, the principal and costs by said Jackson, to remit the interest upon the same.

Approved February 17, 1846.

CHAPTER 208.

1846.

AN ACT for the benefit of the Sheriff of Shelby county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Sheriff of Shelby county, be and he is hereby allowed until the next May term of the County Court, of said county, to return his delinquent list of revenue tax for the year 1845; and, also, his delinquent list on the Auditor's list, certified and collectable in said county, for said year 1845; and that said County Court, at said term, shall have full power to receive said delinquent lists and certify the same, in the same manner as if said lists had been made out and presented to said court at the proper term; and it shall be the duty of the Second Auditor, on the receipt of said lists, to draw his warrant in favor of said Sheriff on the Treasurer for the amount of the same, to be paid out of the treasury.

Approved February 17, 1846.

CHAPTER 209.

AN ACT for the benefit of the School Commissioners of Carroll county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Superintendent of Public Instruction, be and he is hereby authorized to receive the report of the School Commissioners, of District No. 4, Carroll county, Kentucky, for the year 1844.

- Approved February 17, 1846.

CHAPTER 210.

AN ACT to provide for a change of venue in the prosecution against Enoch Stephens.

WHEREAS, it is represented to this General Assembly, that Enoch Stephens is now confined in the jail of Jefferson county, upon a charge of bigamy, and that he cannot have a fair trial in the county of Jefferson, by reason of the prejudice existing in said county against him. Therefore:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That upon an indictment being found against the said Enoch Stephens upon the charge for which he is confined as aforesaid, a change of venue is hereby granted him, for the trial of such indictment as may be found against him upon said charge, upon the election and consent of said Stephens, on the calling of said indictment, being entered upon the records of said Jefferson Circuit Court, that he prefers to be tried on said indictment in the Bullitt Circuit Court.

Venue changed from Jefferson to Bullitt.

SEC. 2. When said Enoch Stephens shall have made his election to be tried in the Bullitt Circuit Court, then, and in that event, it shall be the duty of the Judge of the Jefferson Circuit Court, to make all necessary orders, and do all things

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necessary to secure the appearance and trial of said Stephens in the Bullitt Circuit Court: that when the said indictment shall have been removed from the Jefferson to the Bullitt Circuit Court, and said Stephens committed to the jail of Bullitt county, or recognized to appear in the said Bullitt Circuit Court, then, and in that case, the said Bullitt Circuit Court shall have as full power and jurisdiction to hear and determine the aforesaid indictment, as though said indictment had been found in said court, as also to require the attendance of witnesses, and do all things requisite to insure a fair and speedy trial of said Stephens; and the said election being made, the Jefferson Circuit Court shall have the witnesses, as well for the Commonwealth as the defendant, if they be in court, recognized to appear and testify in the Bullitt Circuit Court, in said case, as said court might do, for said purpose, if the case were to remain in said Jefferson Circuit Court; and if the indictment shall be decided defective, for any cause, the election made shall authorize a new indictment to be found in the county of Bullitt.

SEC. 3. The Clerk of the Jefferson Circuit Court, on said change of venue being ordered, as herein provided, shall transmit the indictment and other papers, with a transcript of all orders made in the case, to the Clerk of the Bullitt Circuit Court, and take his receipt therefor.

Approved February 17, 1846.

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CHAPTER 211.

AN ACT for the divorce of Mary E. Herndon and Reuben Herndon.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Reuben Herndon and Mary E. Herndon, his wife, be and they are hereby divorced from each other, and restored to all the rights and privileges of single and unmarried persons.

Approved February 17, 1846.

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CHAPTER 212.

AN ACT for the benefit of Maria T. Taylor.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Maria T. Taylor be and she is hereby divorced from her husband, Ebenezer Taylor, and restored to all the rights and privileges of an unmarried woman and to her maiden name of Maria T. Pomeroy.

Approved February 17, 1846.

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**CHARTER 218.**

**AN ACT TO INCORPORATE THE  
Campbell Turnpike Road Co.**

Be it enacted by the General Assembly of the Commonwealth of Ky.

**SECTION 1**—That a company shall be and is hereby incorporated, as a body politic and corporate, in the County of Campbell, by the name and style of the Campbell Turnpike Road Company, for the purposes of constructing a turnpike road from the limits of the town of Newport to the town of Alexandria, about thirteen miles from the town of Newport.

**SEC. 2**—Be it further enacted, That the capital stock of said company shall be forty thousand dollars, to be divided into shares of twenty dollars each; Provided, that if, after an election of officers as hereinafter to be directed, it shall be believed, by a majority of said directors, that said road may be constructed for a less sum than forty thousand dollars, and they shall be able, actually, to let out said road for a less sum than the capital stock, as aforesaid the sum for which said road shall be let out, as aforesaid, shall be its capital stock, and no more or less.

**SEC. 3**—Be it enacted, That books for the subscription of said stock may be opened immediately after the passage of this act, in the town of Newport, Kentucky, under the direction of James Taylor, Jr., Samuel Winston, Robert D. Hayman, John N. Taliafero, John F. Boyd, Robert Air, N. B. Shaler, James M. McArthur, F. A. Miller and Wm. B. Ross, or some one or more of them, and in the town of Alexandria, under the direction of Benjamin D. Beall, H. E. Spillman, Frederick Brown, Wm. Griffey and John J. Thomas, or some one or more of them—all of whom are hereby appointed commissioners for the purpose of obtaining subscriptions to said road; and the said commissioners shall procure a book, or books, which shall contain the following obligation, and shall be signed by every person willing to take stock in said company: "We, whose names are hereunto subscribed, do severally promise and bind ourselves, respectively, to pay to the President, Directors and Company, of the Campbell Turnpike Road Company, the sum of twenty dollars for every share of stock set opposite our names, in such manner and proportion, and at such times as shall be required by the President and Directors of said Company."

SEC. 4—That the books shall remain open until the sum of fifteen thousand dollars shall be subscribed, or until a sufficient amount has been taken or subscribed, to make five miles of said road.

SEC. 5—That as soon as the commissioners of said company, or majority of them, shall be of the opinion that a sufficient amount of stock shall have been subscribed for the construction of said road, the five miles aforesaid, they may call a meeting of the stockholders and hold an election for a President and five Directors, who shall hold their office for one year, and until other like officers shall have been elected. And these Directors shall appoint a Treasurer, and such other officers as they may deem necessary; and the said Treasurer, before he enters upon the duties of his office, shall execute a bond to said company, with security, to be approved by the Directory, in the penalty of ten thousand dollars, conditioned that he will well and truly, in all things, perform the duties of his office; and whenever a demand shall be made upon him, by the directory, or its authorized agent, pay over all sums of money in his hands as Treasurer; and the said Treasurer shall continue in office until the Directory shall make another appointment.

SEC. 6—That upon the election and qualification of said Directors, they shall be a body politic and corporate, by the name and style of the Campbell Turnpike Road Company, and by the said name said company shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their capital stock, and the increase and profits thereof; of purchasing and selling lands and tenements, as the same may be necessary in the construction of said road; to sue and be sued, plead and be impleaded, to have a common seal, and generally to do all and everything which may be requisite and not contrary to the intentions of this act.

SEC. 7—That the President and Directors, after their election, shall call upon the different stockholders for payment upon their several subscriptions; Provided, that the first call shall not be over twenty per centum on the amount subscribed, and may in the discretion of said directors be less. And, provided further, that all subscribers paying as much as twenty per centum, as aforesaid, at the first payment, shall be entitled to a notice of forty days upon any subsequent call.

SEC. 8—That every stockholder shall be entitled to a vote on each share subscribed by him, to the number of five; and for every five shares thereafter, shall be entitled to one vote.

SEC. 9—That the written or printed certificate of the President, countersigned by the Treasurer, shall be evidence of ownership of stock in this company, and the same shall be transferable on the books of the Treasurer, in person, or by attorney, when all arrearages thereon shall have been paid, and not until then.

SEC. 10—That the President may call meetings of the Board of

Directors, at such times and place as he may think proper; a majority of the Directors may constitute a quorum; and in the absence of the President, a majority of the Directors, as aforesaid, may elect a President **PRO TEMPORE**.

**SEC. 11**—That said President and Directors shall have full power to pass all by-laws necessary to promote the interests of the stockholders, and to superintend the construction of said road.

**SEC. 12**—That said Company shall have power to erect one gate when five miles of said road shall be completed, or may erect two gates, with half tollage at each gate, upon the aforesaid five miles, according to the rates of toll hereinafter provided, and that as said road may progress or be finished, the said company shall be governed by the provisions of the thirteenth section of this act.

**SEC. 13**—That the same rates of toll shall be allowed said company as are prescribed by an act, entitled, "An act regulating the tolls on turnpike roads in which the Commonwealth is a joint stockholder, and for other purposes." Approved Feb. 25th, 1842.

**SEC. 14**—Be it further enacted, That the whole road shall be completed within the time of ten years, or the aforesaid charter shall be forfeited.

**APPROVED FEBRUARY 17, 1846.**

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Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Campbell Turnpike Road Company may erect a gate when three (3) miles of said road are completed, and charge thereon half toll. Feb. 26, 1849.

Be it enacted, &c, 1st, That it shall not be lawful for any person to travel upon the Campbell Turnpike Road with locked wheels; and each and every offense of this kind shall be punished by a fine of not less than one, nor more than five dollars.

2d. That said Company shall have time until the year 1860, to complete their road to Alexandria; and if they deem it proper, may extend it to Falmouth.

**APPROVED MARCH 1st, 1854.**

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### **AN ACT TO AMEND THE CHARTER OF THE CAMPBELL TURNPIKE ROAD COMPANY.**

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Campbell Turnpike Road Company shall have power to take conveyances of real estate in payment of debts due the Company; and to sell and convey the same at pleasure; and shall have power to purchase and hold real estate sold under execution o



judgment on behalf of said Company; and to sell and convey the same at pleasure; and all conveyances made to said Company heretofore for the purposes named in this act, are hereby legalized.

SEC. 2—The said Company shall have power to increase its capital stock to any sum not exceeding fifty thousand dollars, by a vote of the stockholders.

APPROVED FEBRUARY 13th, 1858.

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**AN ACT TO AMEND THE CHARTER OF THE CAMPBELL  
TURNPIKE ROAD COMPANY.**

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1—That the City of Newport, Campbell County, Ky. and the Campbell Turnpike Company, be, and are hereby authorized to contract with each other in relation to the acquisition of any rights or privileges, on the part of said City, or the granting of any such by said Turnpike Company over that portion of said Company's road, extending from the intersection of said road with Monmouth and Ringgold Streets to the Southern line of the corporation of said City, near Constans' brewery, as they may agree upon; and that so much of said road as the City may, by virtue of any such contract, obtain control of, shall thereby become part of the City of Newport, subject to all the laws and regulations of said City, as any portion thereof. Provided, however, That the same shall not in anywise affect the rights of said Company which may, by the terms of said contract, be reserved to them:

SEC. This Act shall take effect from and after its passage.

APPROVED APRIL 4th, 1861.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SEC. 1. That the Charter of the Campbell Turnpike Road Company be so amended as to permit the President and Directors of said Company to purchase and hold real estate for the use of said Company, not to exceed fifty acres in quantity, for the purpose of erecting shops and houses for the hands engaged in keeping said road in repair.

SEC. 2. This Act shall take effect from its passage.

APPROVED FEB. 16, 1872.

said cause, shall be of the opinion that it will be to the interest of the infants aforesaid, decree a confirmation of the sale of a tract of two hundred acres of land, sold by said widow and executrix of said Samuel Howard, to Braxton and Bradford Hawser, for the price of sixteen hundred dollars; and said court shall appoint a commissioner to convey said tract of land, and make all other orders and decrees necessary to carry into effect the objects of this act; said court shall, before the receipt of the purchase money by the guardian of said infants, require said guardian to execute bond, with good security, payable to the Commonwealth of Kentucky, and conditioned for the payment of said sum of money to said wards, in the proportion to which they shall be entitled to the same, in such manner, and upon such conditions, and at such time as guardians are now required by law, which said bond shall be in a penalty equal to double the amount of money received by said guardian.

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Approved February 17, 1846.

## CHAPTER 220.

AN ACT for the benefit of Catharine H. Willis and her infant children.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John Butler, executor of the last will and testament of Alexander Willoughby, deceased, may file a bill in chancery, in the Jessamine Circuit Court, making Catharine H. Willis, late Catharine H. Sheely, widow of Washington F. Sheely, deceased, and the children of said Washington F. Sheely, who are infants, defendants thereto; and after due service of process, and the appointment of a guardian *ad litem*, for the infants, the court may, upon being satisfied by proof, that the personal estate of said Alexander Willoughby is insufficient to pay the debts, and that it will be to the advantage of the estate, and the widow and heirs of said Washington F. Sheely, to save the slaves and sell the whole or a portion of the lands for the payment of the debts, the said court may decree a sale of said lands, or such part thereof as may be necessary for that purpose, and may appoint a commissioner to make the deed or deeds to the purchaser, and make all other orders and decrees necessary to carry out the intention of this act: and said court shall require bond and good security from the purchaser of said land, and also reserve a lien on said land for the security of the purchase money; and shall, moreover, require from the executor of said Alexander Willoughby, bond, with good security, in a penalty double the amount for which the said land may be sold, conditioned for the faithful application of the money arising from such sale, to the payment of the debts of said estate.

Court authorized to decree a sale of land to pay debts.

Approved February 17, 1846.

1846.

## CHAPTER 221.

AN ACT to change the name of Susan Baker.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the name of Susan Baker, of Clay county, be and is hereby changed to her maiden name of Susan White.

Approved February 17, 1846.

## CHAPTER 222.

AN ACT to authorize the Trustees of Cadiz to sell part of a street in said town.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Trustees of the town of Cadiz, in Trigg county, be and they are hereby authorized to sell, at public sale, to the highest bidder, on such credit as they may deem proper, ten feet off the south-west side of the cross street which divides lots, number thirty six and thirty seven, in the original plan of said town: *Provided, however,* that before such sale, the owner or owners of every lot on said cross street shall give their consent to said sale, in writing, and have the same put to record in the County Court Clerk's office for said county: *And, provided further,* that said Trustees shall give ten days notice of the time and place of such sale, set up at the court house door in said town.

Approved February 17, 1846.

## CHAPTER 223.

AN ACT to amend the charter of the town of Keene, in the county of Jessamine.

*Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the boundary of the town of Keene, in the county of Jessamine, shall be so enlarged as to extend from the house owned by James Parrish, at the intersection of Showner and Woodford streets, five hundred yards in a north-east direction, five hundred yards in a north-west direction, and five hundred yards in a south-west direction, but the south-eastern boundary of said town shall remain as now established: *Provided,* the lands adjoining the said south-eastern boundary of said town, shall, in the event of their being laid off into town lots, and improved as such, be included in said town, and shall be subject to taxation as other property in said town.

*Sec. 2. Be it further enacted,* That the Trustees of said town shall have power to appoint a Marshal for said town, whose jurisdiction in cases of riots, routs, and unlawful assemblages, shall extend to any place within one mile of said town.

Approved February 17, 1846.

CHAPTER 224.

AN ACT for the benefit of Mary N. Gwynn.

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*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Mary N. Gwynn be and she is hereby authorized and empowered to remove her dower slaves from the State of Kentucky to the State of Tennessee, without forfeiting her right of dower: *Provided*, that she, before such removal, shall execute bond, with good security, in double the amount of the value of said slaves, conditioned that she will not sell or dispose of said slaves, and their increase, if any, but will hold them, or such of them as shall be living, subject to the claim of the heirs of her deceased husband, Daniel Gwynn: said bond, with a description and names of said slaves, to be executed in the Clerk's office of the Christian County Court, and the sureties in said bond to be approved of by the Clerk of said court.

May remove  
dower slaves to  
to Tennessee.

Approved February 17, 1846.

CHAPTER 225.

AN ACT for the benefit of the Christian Church in Winchester, Clarke county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Samuel Wheeler be and he is hereby appointed commissioner, and as such, authorized to sell, publicly or privately, on a credit of six months, the interest of the Christian Church in lot No. 94, with the meeting house thereon, in the town of Winchester, Clarke county, containing about one half acre, conveyed to said church by the name of the Friendship Church, by John Hampton and wife, by deed bearing date the 11th day of July, 1827. Said commissioner shall take from the purchaser, bond, with good and sufficient security, for the purchase money, payable to himself, as commissioner, for the use and benefit of said church; and that he shall pay over to said church, the proceeds of sale, when collected, to be by said church invested in some more suitable house and lot in said town, for the use and benefit of said church; and said commissioner shall convey, by deed of quit claim, to the purchaser, said lot, on the payment of the purchase money; and said commissioner shall, before he makes sale of said lot of ground, execute bond with good security, in the County Court of Clarke county, in a sufficient penalty, payable to the Commonwealth of Kentucky, conditioned that he shall well, truly, and faithfully, pay over the proceeds of said sale, as herein directed, and faithfully discharge all the duties imposed on him by this act; which bond the Clerk of the said County Court shall preserve and file away in his office, for the use and benefit of said Christian Church.

A sale of a  
lot of ground  
authorized.

Approved February 17, 1846.

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## CHAPTER 226.

AN ACT for the benefit of the Methodist Episcopal Church, South, in Hopkinsville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That William E. Price, Samuel A. Means, Daniel I. Hooser, and William S. Talbott, Trustees of the Methodist Episcopal Church, South, in the town of Hopkinsville, Christian county, be and they are hereby authorized to sell the lot of ground, in said town, and the church and parsonage house thereon, for any sum in their discretion they may deem proper, and convey the same, by deed, to the purchaser: *Provided*, that the proceeds arising from the sale of said property shall be appropriated, under the authority of said church, to the building of a new church in said town.

May sell a lot of ground.

Approved February 17, 1846.

## CHAPTER 227.

AN ACT to change the name of the town of Landing, in Boone county, to that of Hamilton, and to appoint Trustees for said town.

*SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the name of the town of Landing, in the county of Boone, be and is hereby changed to that of Hamilton, in honor of Joel Hamilton, one of the former proprietors of said town, by which name the town shall hereafter be called and known.

*SEC. 2. Be it further enacted,* That Benjamin E. Garnett, John J. Miller, Marshall M. McManama, James R. Hawkins, and Richard Johnson, be and are hereby appointed Trustees of said town, to continue in office until the first Saturday in March, 1847, and until their successors are elected, on which day, in every year thereafter, five Trustees shall be elected, as directed by the existing laws.

Approved February 17, 1846.

## CHAPTER 228.

AN ACT for the benefit of William F. Colston and Mary E. Colston.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That William F. Colston, and his wife, Mary E. Colston, be and they are hereby authorized to file their petition in the Oldham Circuit Court, describing the situation and condition of a certain tract of land, containing about one hundred and eighty acres, in Shelby county, Kentucky, which Mary E. Colston inherited from her grand father, William Taylor, and praying for a sale of said tract of land, and the investment of the proceeds in a negro man and another tract of land; and if the Judge of said court shall be satisfied, from the statements in said petition, and evidence introduced in said case, that it will be to the interest of said Mary E. Col-

A sale of land authorized, & proceeds to be vested in a negro man.

ston, he may order and decree a sale of said land, and direct the proceeds to be invested in a negro man and another tract of land, for the use and benefit of said Mary E. Colston, and upon such terms and conditions that her said husband shall have no power to dispose of the same without her consent.

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Approved February 17, 1846.

CHAPTER 229.

AN ACT for the benefit of James G. Dilly, of Barren county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That James G. Dilly be and he is hereby divorced from his wife, Elizabeth Dilly.

SEC. 2. That the marriage of the said Dilly, with his present wife, — Dilly, late — Hays, be and the same is hereby legalized.

Approved February 17, 1846.

CHAPTER 230.

AN ACT to divorce Ann Eliza Holtzclaw.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Ann Eliza Holtzclaw be and she is hereby divorced from her husband, Beverly Holtzclaw, and restored to all the rights and privileges of an unmarried or single woman, and to her maiden name of Ann Eliza Fitzgerald.

Approved February 17, 1846.

CHAPTER 232.

AN ACT to change the venue in the prosecution of Addison, a slave.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the venue for the trial of Addison, the slave of Greenberry A. Gaither, be and the same is hereby changed from the county of Meade to the county of Hardin, where the crime with which he stands charged was committed; and the Clerk of the Meade Circuit Court is hereby directed to transmit to the Clerk of the Hardin Circuit Court the indictment, orders and other papers and proceedings in any wise connected with the trial of the said Addison, and take the receipt of the Clerk of the Hardin Circuit Court therefor.

Venue changed from Meade to Hardin.

SEC. 2. That it shall be held and deemed in law a compliance with the recognizance entered into in the Meade Circuit Court, for the appearance of said Addison, to appear with the said Addison, in open court, on the second day of the next March term of the Hardin Circuit Court, and not depart

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therefrom without the leave of the court, and the witnesses recognized to appear in said cause at the Meade Circuit Court, may, in like manner, discharge their recognizance by appearing on the second day of the next March term of the Hardin Circuit Court: *Provided, however*, if the individual entering into the recognizance for the appearance of said Addison at the Meade Circuit Court, shall claim the right to discharge the same, by entering his appearance and the production of said slave; the Meade Circuit Court shall have and exercise jurisdiction for the trial of said Addison, as though this act had not passed, and may make such orders for the further appearance and trial of said Addison as may be necessary to secure a fair trial.

SEC. 3. That in the event said slave shall not be produced and held for trial in the Hardin Circuit Court, and shall not appear in discharge of the recognizance entered into in the Meade Circuit Court, then, and in that case, proceedings may be had in the Hardin Circuit Court in the same manner they may have been had in the Meade Circuit Court.

SEC. 4. That in the event a trial is demanded in either court, and the indictment shall be held defective, the court, in which such trial may be demanded, shall be and is hereby vested with as full and ample jurisdiction of said case, as though the crime had been committed in that county.

SEC. 5. That the Clerk of the Circuit Court of Hardin, upon the production of the papers by the Clerk of Meade, be authorized and he is hereby directed to issue subpoenas for such witnesses as may have been recognized to appear, returnable to the second day of the next March term.

Approved February 17, 1846.

#### CHAPTER 234.

AN ACT to reduce the number of Justices of the Peace in Spencer county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Spencer is hereby prohibited from nominating suitable persons to fill vacancies that may from time to time occur, by death, resignation, or otherwise, in the number of Justices of the Peace in said county, until reduced to the number of nine: *Provided*, that nothing in this act shall be so construed as to prevent the said Justices of the Peace, now in commission, in said county, from exercising the duties and privileges of Justices of the Peace during their continuance in office.

Approved February 17, 1846.

CHAPTER 235.

AN ACT for the benefit of Elizabeth Williams.

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*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Elizabeth Williams, of Adair county, be and she is hereby authorized to bring into this State from the State of Virginia, two slaves, Milley and Eliza: *Provided,* she shall, within thirty days after introducing said slaves, file and cause to be entered on the order book of the County Court of Adair county, her affidavit, setting forth the names and ages of said slaves, and that they were brought into this State for the use of herself and family, and not for sale, or merchandize, and that she intends to keep them for her own use.

Authorized to bring slaves into the State.

Approved February 17, 1846.

CHAPTER 236.

AN ACT for the benefit of James Pittman.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Second Auditor is hereby authorized to issue his warrant on the Treasurer for fifty dollars, being for one year's allowance for the support of Caroline Pittman, an idiot, formerly of Harlan county, but now removed to Pulaski county, upon evidence being filed with said Auditor, that said idiot is still alive and in the care of her committee, James Pittman.

Allowance for keeping an idiot.

Approved February 17, 1846.

CHAPTER 237.

AN ACT for the benefit of Joseph S. N. and James M. Dicken.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for Joseph W. Dicken and Sarah Dicken, his wife, to file their bill in chancery in the Campbell Circuit Court, against Benjamin D. Beall, and Joseph S. N. Dicken, and James M. Dicken, and William DeCoursey, alleging the purchase, by the said Joseph W. Dicken, of a tract of land, in said county of Campbell, of ninety six and a half acres, from said Beall, and that he has paid all the purchase money except about two hundred dollars and interest; in which bill the said Joseph W. shall exhibit and file the title bond of said Beall, for said land; they shall, also, allege in said bill, that William DeCoursey has in his hands six hundred dollars belonging to said Joseph S. N. and James M. Dicken, subject to the right of said Sarah Dicken to the interest on said sum, until Joseph S. N. and James M. Dicken shall arrive to the age of twenty one years; and alleging also, that said Joseph W. Dicken has parted with his interest in said land to said Joseph S. N. and James M. Dicken, upon



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condition that they shall pay the remainder of the purchase money, and that he is still willing and offers to them the land upon that condition; and, upon its appearing to the satisfaction of the court, that said allegations are true, it shall be lawful for the court to direct said DeCoursey to pay said sum of money, in his hands, into court, and to decree that the balance of the purchase money shall be paid to said Beall out of said sum, and that said Beall shall convey said tract of land to said Joseph S. N. and James M. Dicken, and that any instrument which said Joseph W. Dicken may have executed to said Joseph S. N. and James M. Dicken shall be cancelled. It shall also be lawful for said court to direct its Commissioner, appointed for the purpose, to lay out the balance of said sum of six hundred dollars in land, adjoining said tract of ninety six and a half acres, for said Joseph S. N. and James M. Dicken, to whom the conveyance thereof shall be made: *Provided, however*, that no decree shall be entered in the premises, unless the court shall be satisfied, by allegations and proof, that it will be for the interest of said Joseph S. N. and James M. Dicken; and said court is authorized to take whatever steps, in said cause, may be necessary to secure the interest of said Joseph S. N. and James M. Dicken in the premises.

Approved February 17, 1846.

#### CHAPTER 238.

AN ACT for the benefit of James C. Price and Mary C. Price.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for James C. Price and Mary C. Price, his wife, to file their bill in chancery in the Shelby Circuit Court, setting forth the fact, that Alexander Thompson, the father of said Mary C. Price, died intestate, and possessed of a tract of land in said county, containing about five hundred and thirty five acres; that a division of said land has been made amongst the heirs of said Alexander Thompson, and about thirty five acres thereof was allotted to said Mary C. Price, and one third of said first mentioned tract allotted to the widow of said Alexander Thompson, and making said widow a defendant to said bill; and if, upon the hearing said bill, said court shall be of the opinion that it will be to the interest of said Mary C. Price to sell said tract of thirty five acres allotted to her, as aforesaid, and her interest in the tract of land allotted to said widow as dower, said court shall have power to decree such sale, and appoint a Commissioner to convey said land; said court shall also appoint a Commissioner to invest the proceeds arising from such sale, in some other tract of land in the county of Shelby, and shall require a conveyance of the land so purchased to be made to the said Mary C. Price, to the use of herself and her heirs; said

A sale of land authorized and proceeds to be vested in other lands.

court shall have power to make all orders and decrees necessary to carry into full effect the object of this law.

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Approved February 17, 1846.

CHAPTER 239.

AN ACT to incorporate the Cook Benevolent Institution.

WHEREAS, Samuel H. Cook, of the city of Louisville, departed this life, having first made and published his last will, which was established by the County Court of Jefferson county, in June, 1837; and whereas, the said Cook did devise a considerable real estate to his executors in trust, that the rents and profits thereof might be applied to certain benevolent purposes, in said will indicated; and whereas, the testator seems to have thought that his charities would be better dispensed, and more certainly perpetuated through the means of a corporation. Therefore :

Preamble.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That D. L. Beatty, S. S. Goodwin, B. O. Davis, Samuel Casseday, E. A. Gardner, and Patrick Maxcy, be and they are hereby created, a body corporate, by the name and style of the "Cook Benevolent Institution;" by that name they may take and hold property, sue and be sued; they shall be the managers of said Institution, and shall hold their offices for the term of six years. The Mayor and Council of the city of Louisville shall, in the month of May of each year, appoint one manager, who shall hold his office for one year. In the event of the death, resignation, or removal from the city of any of the managers, the remaining managers shall have power to fill such vacancy; the managers shall have power to expel any member for cause, except the appointee of the city council, and fill the vacancy so occasioned.

Incorporated.

Managers.

SEC. 2. The said Institution shall have the right to receive from the said executors of Samuel H. Cook, the property devised by him as aforesaid, and it shall be the duty of said Institution to apply the rents and profits of the land so received to the benevolent uses indicated by his said will. The said Institution shall have the power to take and hold donations and bequests of property for charitable uses, but for none other; the said Institution shall have no power to buy or sell property, but may improve property given or bequeathed for the uses aforesaid.

May receive property devised by Cook.

SEC. 3. It shall be the duty of the managers in the month of May, of each year, to report to the Mayor and Council of the city of Louisville, the condition of the trust property, together with a full statement of their acts for the past year.

Managers to report annually.

SEC. 4. The managers shall have the right to appoint a Treasurer, and may take from him bond, with surety, for a faithful discharge of the duties of his office, and to appoint a

Treasurer and Collector to be appointed.

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Collector, taking from him like bond; they shall also have the right to make a fair compensation to their Treasurer and Collector.

Visitors.

SEC. 5 That Philip R. Gray, James Marshall, John C. Wenzell, Henry Pirtle, Joshua B. Bowles, and John M. Talbott, executors of said Samuel H. Cook, and the Mayor of the city of Louisville, shall be the visitors of said Institution.

Vacancies  
how filled.

SEC. 6. When the term of any manager shall expire, he shall be re-eligible to the office, and when a vacancy in the board of managers shall occur, by lapse of time, death, resignation, removal, or expulsion, such vacancy shall be filled by some resident of Louisville, of the same christian denomination as that of the preceding manager, if such one can be obtained.

Power to re-  
peal reserved.

SEC. 7. The General Assembly may at any time modify, change or repeal this charter.

Approved February 17, 1846.

## CHAPTER 240.

AN ACT for the benefit of William P. Blackstone.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Second Auditor issue his warrant in favor of William P. Blackstone, for the sum of one hundred and thirty dollars on the Treasurer, to be paid out of any money in the treasury not otherwise appropriated, as compensation in full, for pursuing, apprehending and bringing back to this State, Joseph Gray, a colored man, charged with kidnapping, and had fled to the State of Indiana.

Approved February 17, 1846.

## CHAPTER 241.

AN ACT for the benefit of Conrad Havens.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That fifty dollars a year, for three years, ending the first day of January, eighteen hundred and forty six, be and the same is hereby allowed to Conrad Havens, for supporting Lucy Bradford, who was found to be a lunatic in the Campbell Circuit Court; and the Second Auditor is directed to issue his warrant on the treasury in favor of said Havens for said sums.

Approved February 17, 1846.

CHAPTER 242.

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AN ACT for the benefit of William B. Howard.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the sum of eighteen dollars be and the same is hereby allowed to William B. Howard, being the sum allowed by law for killing three wolves in the county of Marshall; and the Second Auditor shall issue his warrant therefor, whenever the certificate of a Justice of the Peace for Marshall county shall be presented to him, certifying that the skins of the heads of three wolves shall have been produced before him, and that the said Howard has made oath before him, that the three wolves had been taken and killed in Marshall county.

Approved February 18, 1846.

CHAPTER 243.

AN ACT for the benefit of Joseph B. O'Rear.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the County Court of Montgomery to pay Joseph B. O'Rear the sum of ten dollars and ninety seven cents, the amount of a claim allowed him by the Montgomery Circuit Court, for removing a lunatic, who is a free woman of color, from Mountsterling to the Asylum at Lexington; that said court may order the same to be paid out of the depositum of said county, if there shall be a sum sufficient unappropriated to pay it, and if not, said court may levy the same at their next court of claims.

Approved February 18, 1846.

CHAPTER 244.

AN ACT for the benefit of certain Sheriffs.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That time be allowed till the first day of September next, to make return of their several delinquent lists, to-wit: To Lewis Scarce, late Sheriff of Hickman county, for the year 1844. To N. E. Wright, late Sheriff of Hickman county, for the year 1845. The Sheriff of Owen county, for the year 1845. To the Sheriff of Owsley county, for the year 1845. To John O'Harra, late Sheriff of Caldwell county, for the year 1845. To O. C. Richardson, Sheriff of Meade county, for the year 1845. To the Sheriff of Hart county, for the year 1845. To the Sheriff of Shelby county, for the year 1845. To the Sheriff of Lawrence county, for the year 1845.

Time allowed to return delinq't lists.

To Sheriff of  
Hickman.  
Same.  
Owen.  
Owsley.  
Caldwell.  
Meade.  
Hart.  
Shelby.  
Lawrence.

**SEC. 2.** That the Sheriff of Hancock county have further time until the first day of June next to return his delinquent list of muster fines and his list of forfeited lands.

Hancock:—  
muster fines.

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Cumberland:  
time to collect  
taxes.

McCracken:  
time to collect  
taxes.

May place  
fees in hands  
Sheriff of Bal-  
lard.

SEC. 3. That further time of two years be granted V. Taylor, and his deputies, to collect all arrearages due them as Sheriffs, for the year 1842, in the county of Cumberland.

SEC. 4. That it shall be lawful for the Sheriff of McCracken county to collect the arrearages of taxes and for his fee bills due in the years 1841, 1842, 1843, and 1844, which may have been in his hands for collection, and which may have been collected by him, and he may levy and distrain for the same as now provided for by law in other cases.

SEC. 5. That it shall be lawful for the said Sheriff to place a list of the said uncollected taxes and fees in the hands of the Sheriff of Ballard county, who may proceed to collect the same in the manner above provided for, and who shall pay the same, when collected, over to the person entitled thereto.

Approved February 18, 1846.

#### CHAPTER 245.

AN ACT to authorize the Trustee of the Craddock Fund to surrender his trust, and to constitute a permanent board to manage the same.

Preamble.

WHEREAS, the late Robert Craddock, of Warren county, a soldier of the revolution, by his last will and testament, after emancipating and providing for his slaves, devised the residue of his estate to Joseph R. Underwood, with an injunction that he should appropriate three fourths thereof to purposes of education, but without any restrictions upon the power and discretion of said Underwood, who has determined to give to the poor children of said county the benefit of the fund, and desires to organize a permanent system for its management. Therefore:

Board Trus-  
tees to be or-  
ganized.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the said Underwood to organize a Board of Trustees for the management of that portion of the estate of the said Craddock, and the proceeds thereof, which, by his will, should be appropriated to purposes of education, and which fund shall be denominated the "Craddock Fund."

Rules, &c.  
for managing  
fund to be pre-  
scribed.

SEC. 2. In adopting the system which said Underwood may deem most proper in securing the objects of the will, it shall be lawful for him to prescribe such rules and regulations for the management and disposition of the fund, as shall be considered by him most beneficial, and such rules and regulations shall be recorded in the Clerk's offices of the Warren Circuit and County Courts, and shall remain in full force, and be obligatory upon the Trustees appointed to manage the fund, until altered, or changed, or abolished, by the General Assembly, as is hereinafter provided for.

Who to ap-  
point trustees.

SEC. 3. It shall be lawful for the Circuit Court and County Court of Warren county, and the Trustees of the town of Bowlinggreen, each to appoint one Trustee of the Craddock

**Fund:** each Trustee, so appointed, shall hold his office for one year, and until his successor shall have been duly appointed; and if any vacancy should occur, it shall be filled by the tribunal or body who appointed the Trustee vacating his office, as soon as practicable. The Trustees, so appointed, shall be governed by the rules and regulations prescribed by the said Underwood, and recorded as aforesaid, and such alterations, changes, and modifications thereof, as the General Assembly may, from time to time, prescribe.

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Vacancies:  
how filled.

Trustees to  
be governed by  
the rules, &c.

**SEC. 4.** The Trustees of the Craddock Fund, appointed as is provided for in the preceding section, may appoint a Treasurer, from time to time, and remove him at pleasure. The Treasurer, so appointed, shall give bond and security, to be approved by said Trustees, to the Commonwealth of Kentucky, conditioned for the faithful performance of all the duties required of him by the rules and regulations prescribed for his government by said Trustees, or which may be prescribed by the General Assembly; upon which bond, suit may be brought in the name of the Commonwealth, for the use of any one injured by a breach of the condition thereof. The Treasurer, so appointed, shall renew his official bond as often as the Trustees may require him to do so.

Treasurer to  
be appointed:  
to give bond.

Bond to be  
renewed.

**SEC. 5.** The Treasurer shall receive and pay out, upon the order of the Trustees, all money belonging to the Craddock Fund; and the Trustees shall notify the Auditor of Public Accounts of the appointment of their Treasurer, and his name, after which notice, the interest due on the Craddock Fund, by the Commonwealth, shall be paid to said Treasurer.

Treasurer to  
receive & pay  
out money.

Interest from  
State to be p'd  
him.

**SEC. 6.** The General Assembly shall have power to change, alter, or abolish, any of the rules and regulations which may be prescribed by said Underwood for the management of the Craddock Fund, and the application of the proceeds thereof: *Provided, however,* that the said fund, and the interest thereon, shall be faithfully applied to the education of the children of Warren county, preferring those who are objects of charity, and expending the interest of the fund in helping those who have no means to procure an education, and whose parents are dead, in the first place; and next, those whose parents, or one of them, may be living, but unable to afford means to educate their children.

Rules, &c.,  
may be abol-  
ished.

How interest  
to be applied.

**SEC. 7.** When the Trustees and Treasurer have been appointed in the manner aforesaid, it shall be lawful for the said Underwood to transfer to said Trustees, all notes, bonds, and choses in action, which he may hold, and which property constitute a part of the "Craddock Fund;" and said Trustees may proceed to collect the same, and pay the proceeds into the Treasury of this State, in the same manner that said Underwood is now authorized to do; and upon the money so paid into the Treasury, interest, at the rate of six per cent. per annum, shall be paid, semi-annually, as is now done upon that portion of the Craddock Fund already paid into the Treasury;

Notes, bonds,  
&c., be trans-  
ferred to Trus-  
tees.

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or said Underwood may retain said notes, bonds, choses in action, collect the same, and pay the money into the Treasury as he is now authorized to do, after which he may transfer the whole fund paid into the Treasury to the said Trustees, for purposes of education.

How long the  
Com'th to re-  
tain the fund.

SEC. 8. The Commonwealth of Kentucky shall retain the whole of the Craddock Fund, upon paying interest thereon, as now provided for by law, so long as the Legislature may deem it proper to do so; and whenever the General Assembly shall provide for the payment of the principal of said fund, it shall be lawful to direct how the same shall be reinvested, and if no such directions be given, it shall be the duty of the Trustees to reinvest the same so as to keep up the principal without reduction.

Approved February 18, 1846.

#### CHAPTER 246.

AN ACT allowing an additional Constable to Marion county, and to the county of Nelson.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be allowed to the county of Marion one additional Constable, to reside within one half mile of Raywick, in said county.

SEC. 2. *Be it further enacted*, That the County Court of Nelson, a majority of all the Justices being present, may, should they believe the public interest requires it, appoint an additional Constable for said county, to reside at, or near Ballard's precinct.

Approved February 18, 1846.

#### CHAPTER 247.

AN ACT to incorporate the Calliopean Institute of Murray.

Corporators  
names: powers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That P. H. Beckham, James L. Caldwell, Daniel Mathewson, George H. Hooper, James Culver, Payton Culver, Burrel B. Irvine, and R. K. Williams, be and they are hereby incorporated a body politic, under the name and style of the Calliopean Institute of Murray: that it shall have power to sue and be sued, plead and be impleaded by that name, and that service of process on its President shall be sufficient.

Organiza-  
tion, &c.

SEC. 2. That as soon as convenient, after the passage of this act, the President of the Society shall notify the members to meet at such time and place as he may designate; and a majority of the members shall have the right to organize, adopt a constitution and by-laws, and proceed to elect three Trustees, either from the members of said Society, or from

those who are not. The Society shall have the right to fill any vacancy in said board, to remove a Trustee for misconduct, and to elect Trustees as often as they may ordain in their constitution and by-laws, which Trustees, and their successors, shall hold the property of the corporation for the use and benefit of the Society.

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Sec. 3. That said corporation shall not be allowed to own more than ten thousand dollars worth of property, and not more than two thousand dollars worth of real property; and any property held by the Trustees, for the use and benefit of the Society, shall be liable to judgment and execution.

Restrictions.

Sec. 4. That any person hereafter elected a member of said Society, shall be a member of this corporation, and they, together with the present members, shall constitute a corporation in perpetuity, for literary purposes. Should said Society at any time fail, for the space of one year, to meet, it shall be deemed a forfeiture of this charter; and should its existence terminate by forfeiture, demise, withdrawal or removal of its members, all its property shall vest in the County Court, for the use and benefit of any College or Academy in Murray, or its immediate vicinity, and if there should then be none such, said court shall hold the same until one shall be established: *Provided*, that the library shall not be converted into either money or property, but they shall have a right to sell and convey the real estate.

When charter forfeited.

Property to vest in County Court if charter forfeited.

Proviso.

Sec. 5. That said Society shall contract, by its President, he having first obtained the consent of the Society; but no debt exceeding twenty dollars shall be contracted, but by the consent of a majority of all the members.

Pres't may make contracts not above \$20.

Approved February 18, 1846.

#### CHAPTER 248.

AN ACT to incorporate the town of Somerset.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town of Somerset, as described, bounded and demarked in the plat thereof, executed in the year eighteen hundred and one, by James Hardgrove, and the plat executed in the year eighteen hundred and nineteen, by Joseph Porter, and recorded in the Clerk's office of the Pulaski County Court, shall be and is hereby declared to be the town of Somerset; and the said plats are hereby declared to be the true plats and plan thereof; and that the original or attested copies of the said plats may be used in evidence in the same manner that attested copies of other papers duly recorded in said office are authorized to be used.

Plat of 1801 and 1819 describes the boundary of the town.

Sec. 2. That the fiscal, prudential, and municipal concerns of said town, with the government and control thereof, shall be vested in five Trustees, three of whom shall constitute a quorum to transact business, and all of whom shall have re-

Shall have five Trustees.



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Trustees to be a body corporate, may sue and be sued, &c.

May use a common seal.

Trustees to be elected annually on the 1st January.

Persons entitled to vote for Trustees.

Trustees to hold their office for one year; to take an oath.

Shall have power to fill vacancies, &c.

To appoint a chairman.

How elections are to be conducted.

Notice to be given ten days before the election at three places at least.

**SEC. 3.** That said Trustees and their successors shall be a body politic and corporate, and shall be known by the name and style of the "Board of Trustees of the town of Somerset," and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, and of defending and being defended, in all courts and places, and may use a common or private seal, and do all other acts, matters and things, which a body politic and corporate, having perpetual succession, can lawfully and rightfully do and perform.

**SEC. 4.** That said Trustees shall be elected during the present year on the first Monday in March, and after this year, annually, on the first Monday in January, by the free white male inhabitants of said town, over the age of twenty one years, and who shall have paid their poll tax for the preceding year, and all arrearages and taxes by them due said town, which payment upon being questioned must be satisfactorily shown, and that all persons owning real estate in said town, and who may be resident in the country, otherwise qualified, shall be entitled to a vote at the regular annual Trustee elections. The said Trustees shall hold their offices for one year and until their successors shall be elected and qualified; they shall take an oath before some Justice of the Peace, that they will faithfully and without favor or affection to any one, discharge the duties that may devolve upon them as Trustees, during their continuance in office, and shall have power to fill any vacancy that may occur in their own body; it shall be their duty to appoint one of their own body chairman, who shall preside at all their meetings, and, in case of the absence of the chairman, they shall appoint a chairman pro tempore, and in case of his death, removal from the town, or vacation of his seat as Trustee, may appoint another in his stead; the election for Trustees shall be conducted by one or more of the acting Trustees, or those other citizens to be appointed by the board for that purpose, and shall be held at such place as may be designated by the board, and the return of the names of the persons elected, shall be made to the Clerk of the board, and shall be by him recorded in their books; at least ten days notice of the time and place, of holding the election, shall be given by advertisement, posted up in at least three of the most public places in the town of Somerset; should any Trustee be absent from the meetings of the board for three months, the board may, by the unanimous vote of all the remaining Trustees, by a resolution to that effect, entered on their records, declare his seat vacated, and may then fill the vacancy caused by his removal, as in other cases.

**Sec. 5.** That the Trustees may, from time to time, fix and regulate by their by-laws, the times and places of their regular meetings of the board, and also prescribe the mode in which special meetings may be held, and may inflict a penalty not exceeding one dollar, on any member for non-attendance, at any one meeting, to be applied for stationery, lights and fuel.

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Trustees to fix the time for holding regular meetings.

May inflict a penalty for non attendance.

May keep the streets, alleys, &c. in good order.

**Sec. 6.** That the legal title to all the streets and alleys in said town, and to all the real, personal and mixed estate, which now does or may hereafter belong to said town, shall be and is hereby vested in said Board of Trustees and their successors in office, so far as may be necessary to enable them to improve and keep the same open and in good repair, and they shall have full power and authority to maintain and carry into judgment and execution, any action or actions of trespass for any injury done to the same; and may in like manner maintain and carry into judgment any other appropriate action or actions, for the recovery of their property, or damages for the detention, taking, injury, or destruction of the same, and that the same process may issue, and execution be awarded as are applicable by law to suits by private individuals: *Provided, however,* that in all cases thus instituted, in which the Trustees do not sue for a special penalty, the jury shall not be limited in their verdict by the amount of any special penalty, annexed to the offence for which the suit was brought, but shall be guided by the same discretion which regulates their verdicts in suits between private individuals: *Provided, also,* that in all such cases where the damages are laid at a sum not exceeding fifty dollars, the Police Judge or any Justice of the Peace shall have concurrent jurisdiction, subject to appeal as in other cases.

May maintain actions of trespass for any injury done.

**Sec. 7.** That the Board of Trustees shall have power and authority to clear the streets, alleys, side-walks and passways in said town of all obstructions, and keep open all springs in said town, and declare them free by a verdict of a jury, to be empannelled before the Police Judge for that purpose. They shall also have the power and authority to preserve free from incumbrance, all the public grounds and improvements in said town; they shall have full power and authority to remove, and cause to be removed and abated, any nuisance or nuisances in said town, and to regulate the storage or removal of any combustible or unwholesome material, that may injure the health, or tend to diminish the comfort of the citizens or the security of their property. They shall also have the power and authority to cause any chimneys, flues, stove pipes, or fire places, that, in their judgment, may threaten the security of property, to be changed and repaired, so as to remove the cause or danger of insecurity. They shall also have the power and authority to cause the owners and occupiers of property, fronting on streets or alleys, to keep the same in front of them clear and free from dirt or filth, and in all cases enuner-

Trustees to keep streets, alleys, side-walks, &c., open and free.

To keep the public grounds free from encumbrances.

Owners of lots on streets to keep them clean.

1846.

ated in this section, when the persons who should do so, fail or refuse to obey and perform the directions given in relation thereto by the Board of Trustees, the said Trustees may have their orders executed at their own expense, and the costs and charges therein incurred shall be paid by those who should have complied with the directions of the board in relation thereto, and may be recovered by the Board of Trustees, by a warrant for the same, before the Police Judge, or any Justice of the Peace, or by a suit in the Pulaski Circuit Court.

Trustees to  
plant trees, &c  
on streets, &c.

Fine for in-  
juring trees,  
fencing, &c.

SEC. 8. That the said Trustees may cause the said town and the grounds belonging to the town to be ornamented in such manner as they may deem expedient, with fencing, trees and shrubs, and the necessary protection of said trees and shrubs; and that if any person, or persons, shall wilfully injure said trees, fencing and shrubs, or any one or part thereof, or the boxing or protection of the same, each person so offending shall, for every such offence, be subject to a fine of not less than five, nor more than fifty dollars, to be recovered by the said Trustees, in their name and for their benefit, by warrant before the Police Judge or any Justice of the Peace.

Owners lots  
to pave the  
same.

SEC. 9. That the Board of Trustees of the town of Somerset may from time to time, direct and require the owners of lots or parts of lots in said town, when the same fronts on Main street or Main Cross street, to cause the same to be paved with side-walks in front of their respective lots or fraction of lots, of such width and such materials, and in such manner and at such elevation as the said board may deem expedient, and also to repair the same in such mode and manner as they may direct. If the owner or owners of said lot or lots, or fraction of lots, shall fail or refuse to have the same repaired with side-walks, within the time and in the manner prescribed by said Trustees, it shall be lawful for the said Trustees to have the same done, at their own costs and charges, and the costs and charges, thus expended and incurred by said Trustees, shall be taken, and be a tax upon said lots and fraction of lots, and the owners thereof, respectively, in proportion to the amount which the costs of the whole improvement, made under said order, bears to the length in front of said lots or fractions of lots, respectively—notice of such order or direction for repairing, grading or finishing, with side-walks being first given by serving the person or persons owning or occupying the same, at least two months previous, with a copy thereof, which copy, with the Marshal's return thereon that the same has been duly executed on the party or parties, so owning or occupying said lot or lots or fraction of lots, may be filed by the Clerk of the board, and shall be *prima facie* evidence that said direction was given as prescribed by this act; and the original or attested copies of the same may be used on the trial of any cause, and shall have the force and effect of other attested copies now authorized by law.

Notice to be  
given to own-  
ers of property  
to make im-  
provements &  
repairs.

**Sec. 10.** That the owner or hirer, or any person that has the legal control and custody of any slave, shall suffer or permit said slave, to hire his or her own time, and go at large and act for himself or herself in said town, the Police Judge, or any Justice of the Peace, in said town, shall, at the instance of said Trustees, issue his warrant against the owner or hirer, or person having the legal control of said slave, to show cause why judgment shall not be rendered against him or her for such offence, which warrant may be executed by the Marshal or his deputy, or by any Constable: and upon the return of the same a jury shall be empannelled before said Justice of the Peace or Police Judge, and if the jury shall ascertain that the defendant to said warrant, suffered and permitted said slave to hire his or her own time, or go at large and act for himself or herself in said town, the said Justice of the Peace, or Police Judge, shall, thereupon, enter a judgment, that said slave be hired out at the highest bidder, until he or she shall raise the sum of twenty five dollars, to be paid to said Trustees: *Provided, however,* that said contract of hire, shall terminate whenever the said owner, hirer, or person who has the legal control, shall refund to the person who hires the said slave of the Marshal, or his deputy, the full amount of the said sum of twenty five dollars: *Provided, also,* that the hiring, under such judgment, shall be made by the Marshal or his deputy, and that no slave thus hired shall be taken out of the county of Pulaski by the hirer, or any person claiming under him: *And, provided, also,* That the Marshal shall, before he delivers said slave to the hirer, take from the hirer bond, with good security, conditioned that neither he nor his assignee will remove said slave out of the county of Pulaski; which bond shall be made payable to the Board of Trustees of the town of Somerset, and may be sued upon in their name, by any person injured by the breach thereof, at the costs and charges of said person: *Provided, also,* that when the owner of any slave, thus going at large, or hiring his or her own time, is unknown or resides out of this Commonwealth, the Police Judge, on the application of said Trustees, order said slave to be hired out, by the Marshal, from month to month, for the benefit of said town, until the owner can be ascertained.

**Sec. 11.** That the Board of Trustees of the town of Somerset, shall have the power to appoint, annually, a Clerk, Assessor, Treasurer, and Marshal, and such other officers of said town as may be necessary to carry into effect the laws, by-laws, rules and regulations, made for the general welfare of said town and the citizens thereof, and may prescribe the respective duties, and affix and pay the respective salaries of said officers. They shall require bond with sufficient security, in adequate penalties, by all officers appointed by them to fill responsible offices, conditioned for the faithful discharge of the duties, and the prompt payment of all sums of money that shall come to their hands; and they and their securities shall

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Slaves not to  
hire their own  
time.

Trustees to  
appoint town  
officers. &c.

Officers to  
give bond and  
security.

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Trustees can  
remove officers  
and fill vacan-  
cies.

be liable to a judgment in the Pulaski Circuit Court in favor of the Board of Trustees of the town of Somerset, or any person entitled to money collected by them, in like manner, and subject to the same penalties that Sheriffs and their securities are: they shall have full power and authority at any time to remove any of said officers or their deputies, and appoint others in their stead: and when any vacancy occurs, by the death, removal or resignations of the Chairman of the Board, or of any of the officers or their deputies, they shall in like manner have full power and authority to appoint others in their stead.

To appoint  
Assessor: he to  
take oath.

SEC. 12. That the Trustees shall appoint, annually, from among their citizens, of said town, an Assessor, who shall, before he enters upon the duties of his office, take an oath duly and impartially to discharge the duties thereof. It shall be the duty of the Assessor to call upon all the taxable persons in said town and make out a true list of their taxable property, with the value thereof, which list shall be made upon the oath of the party, to be administered by the Assessor. The Assessor's list shall be taken so as to include all the real estate in said town, and all the free white males over the age of twenty one years, all slaves with their value, with all other species of personal property, money and choses in action. If any person or persons shall refuse to give in a list of his or her property or be absent, the Assessor shall make out a list from the best information he can procure. He shall, on or before the twentieth day of April of the present year, and on or before the first day of March in every year hereafter annually, complete and return the list, so taken, to the Board of Trustees; upon the return of the list by the Assessor, the Trustees shall give notice that every person or persons who may feel themselves aggrieved by the valuation of the Assessor, may appear before them at a stated meeting, to be held for such purpose, on or before the fifteenth day of May of the present year, and on or before the first day of April in each succeeding year, with their evidence to show the true value of such property, and the Trustees, on such proof being made to them, may change such valuation.

Assessor's du-  
ty.

Persons ag-  
grieved by as-  
sessment may  
appeal to the  
Board.

Trustees to  
lay tax annu-  
ally.

SEC. 13. That the said Board of Trustees may, annually, lay and levy the taxes for the current year, and direct the time within which the same shall be paid, at the first meeting of the board after the Assessor returns his list, or if any thing should prevent the levy and tax from being then made and levied, the same may be made at the next meeting of the board.

Assessor's  
list to be recor-  
ded by Clerk.

SEC. 14. That after the first day in June, in the present year, and after the first day of May, in each succeeding year, the Clerk of the Board of Trustees shall record, in a book, by him to be kept for that purpose, the Assessor's list, with any corrections that may have been made therein by the Board of Trustees; and the said list, thus recorded, or attested copies thereof, by said Clerk, shall be received in evidence in any court of justice, and shall be *prima facie*, that the Asses-

sor complied with all the duties prescribed to him by law, and shall also be *prima facie* evidence that the laws in relation to the fixing and adjustment of the taxes have been regularly complied with by the Board of Trustees and its officers.

SEC. 15. That the Treasurer, appointed by the Board of Trustees, shall take an oath faithfully and honestly to discharge the duties of his office, and shall execute bond, with good security, and in such penalty as the Trustees may require, which penalty shall not be less, at any time, than one thousand dollars, and which bond shall be conditioned to pay over all moneys which may come to his hands, as Treasurer, to the Trustees or their order, and to perform all the duties imposed on him by law as Treasurer, and may contain such other stipulations as the board may think proper to require; the Treasurer shall receive and give a receipt for all moneys paid or received; he shall receive and receipt for all paid to the Board of Trustees; he shall keep a fair record of all the fiscal concerns of the board, and record in order the appropriations of said board, as certified to him by the Clerk, and pay the same according to their order; he shall pay no moneys without receiving a copy of a resolution of the Board of Trustees, signed by the Clerk, making such appropriation, and he shall file all received by him for settlement by resolution of the Board; his book shall at all times be open to the inspection of persons having claims upon the board upon reasonable notice; the Treasurer shall be and is hereby authorized to receive and receipt for all taxes that may be paid to him on or before the first day of August of the present year, and on or before the first day of July in each year hereafter, by those persons who may owe the same. He shall, on or before the first day of August of the present year, and on or before the first day of July in each succeeding year, annually, report to the Clerk of the board, a true list of all the taxes and moneys received by him, with a list of those taxes and dues which remain unpaid at that time; he shall be allowed such compensation for his services as the Board of Trustees may direct, not exceeding two and one half per cent. on all the moneys received and paid out by him under the order of the Board; he shall also, whenever required by an order of the board to that effect, attend and report to the board the condition of the treasury, and shall at all times be ready for a settlement.

SEC. 16. That the Clerk appointed by the said Trustees shall take an oath, faithfully and impartially to discharge the duties of his office, and shall execute bond, with such condition and with such security as shall be required by the board; it shall be his duty to preserve the books, papers, records, and every thing belonging to his office, and deliver the same to his successor in office; he shall keep a regular journal of the proceedings of the board, with a regular account of the fiscal concerns thereof. He shall file and preserve the poll books, annually, and shall record all the acts, resolutions and orders of

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Treasurer to take an oath, and to execute bond.

Further duties of Treasurer.

Clerk to take an oath, and give bond: his duties.

1846.

the board; he shall take all bonds, agreements and records, and preserve all contracts and agreements made between the Board of Trustees and other persons; he shall copy and sign all resolutions, orders, claims and allowances when required to do so, by persons having claims against the board; he shall file and preserve, annually, the Assessor's books; he shall make out a fair list of the persons and property, liable to taxes, with the amount due by such persons or property, in alphabetical order, and place the same in the hands of the Treasurer on or before the first day of June of the present year, and on or before the first day of June in each succeeding year annually; and he shall file and preserve the report of the Treasurer of those taxes which have not been paid; and he shall make out and place in the hands of the Marshal a list of the persons and property, by whom or on which taxes and dues to the town remain unpaid, and the amount of the same respectively.

Marshal to be appointed annually: take oath and give bond.

SEC. 17. That the Marshal appointed by said Trustees, shall be appointed annually, and shall take an oath faithfully to discharge his duties, and shall give bond, with approved security, in a sum not less than five hundred dollars, conditioned faithfully to discharge the duties of his office; and which bond may also contain any other condition that the board may think proper to require; he shall have all the power and authority, within the county of Pulaski, to collect the taxes, dues and demands, of said town, in the same manner that Sheriffs have to collect the county and State revenue, and shall have full power, in said county, to serve notices, and also to execute all warrants and processes from the Police Judge, and levy and perfect executions upon all orders and judgments of the Police Judge; he shall serve and execute all orders and notices made or issued by the board, and make due return on the same: he may have a deputy, by and with the advice and consent of the board, and shall, together with his securities, be as fully responsible to the neglect, misconduct, malfeasance, or other default of his deputy, as though he himself had been guilty of said neglect, misconduct, malfeasance, or other default, in his proper person; he shall be entitled to the same fees and per cent. for collecting the town tax, penalties, and forfeitures, as Sheriffs and Constables are in like cases, where it is not otherwise provided for by this act or the order of the board. He shall be entitled to a fee of one dollar for serving a peace warrant, or warrant for a rout, riot, affray, or breach of the peace, and for all warrants where fines are to be assessed by a jury, before the Police Judge, and to a fee of twenty five cents for all other warrants for penalties, forfeitures, and debts, tried by the Police Judge without a jury; he shall be entitled to a fee of twelve and a half cents for summoning a witness, and to the same fees from the State, to be paid out of the Treasury and county levy, for serving felony warrants and warrants against slaves for misdemeanors, as Constables are for like services. The Marshal and his deputy are authorized

May have a deputy.

Allowed the same fees as Sheriffs.

to take replevin bonds on all executions in which a replevy is allowed by law, and make the same payable, in three months, to the plaintiff in the execution.

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Sec. 18. That the Board of Trustees of the town of Somerset, shall have power and authority to assess, annually, levy, and collect, a tax on all real and personal estate within the limits of said town, not to exceed ten cents on the hundred dollars worth of property; they shall have power to levy and collect a poll tax, not exceeding fifty cents on all free male persons in said town, over the age of twenty one years; they may tax all theatrical performances, shows and exhibitions of all kinds, in any sum not exceeding five dollars for such exhibition, on any one day; they shall have a lien on all real and personal estate in said town, until all the taxes due by the owners thereof are paid, and all such property shall be liable to be sold, or so much thereof as will pay such tax and costs of sale; they shall have power and authority to levy and collect a tax on each grocery, not less than twenty five, nor more than one hundred dollars per year, and to levy and collect a tax on each store, not exceeding twenty cents on the hundred dollars, according to the valuation; they shall have the right to tax, and the exclusive right to license, all taverns, groceries, victualers, confectioners, retailers, and houses of public resort, excepting gambling houses, or houses of ill fame, within said town, and fix the tax therefor in a sum not exceeding one hundred dollars per annum, and to discontinue the said licenses, or any one thereof, at pleasure: *Provided*, that they shall cause their Treasurer to pay, annually, into the Public Treasury, out of said tax for licenses, the amount belonging to the public revenue, and the said board shall be bound to make the annual reports of the amount of tax received therefor, and pay over the amount due thereon to the State, in the same manner that Clerk's of the County Courts are required to do, and under the same penalties, and shall be liable to be proceeded against by the Auditor, for any default, in the same manner. Any law giving the County Court of Pulaski county the power to grant tavern license within the limits of said town, is hereby repealed: *Provided, however*, that the provisions of this act shall in no wise change the mode of listing merchandise for taxation, in said town, for the State revenue, or the collection of the tax thereon.

Trustees to levy tax annually.

Shows, &c., to pay license.

Groceries & stores to pay a tax.

Repealin clause.

Sec. 19. That the Police Judge of the town of Somerset shall be recommended by the Board of Trustees, and be appointed and commissioned by the Governor, for the term of one year, and shall have jurisdiction, within the limits of said town, of all misdemeanors, and of all causes, civil, criminal, or penal, in which Justices of the Peace have jurisdiction; and that, in criminal and penal cases, he shall have the jurisdiction now given by law to two Justices of the Peace, and shall proceed in the same manner that Justices of the Peace are required to proceed in such cases: he shall have full power

Police Judge: how appointed and how long to continue in office.

Jurisdiction Police Judge.



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and authority to require bail, and receive the acknowledgment and execution of recognizances of bail in all cases originating before him, in which bail is, or may hereafter be authorized or required by the law of the land; and such recognizances shall be taken in such form, and be returned in such manner, as is or may be prescribed by the several laws authorizing or requiring bail; he shall be a conservator of the peace, and have jurisdiction over affrays, assaults and batteries, riots, breaches of the peace, unlawful assemblies, all cases of indecent or immoral behavior or conduct, calculated to disturb the peace and dignity of said town; over all cases of drunkenness, profane swearing, running horses, firing guns or pistols, making reports by burning powder, or matches, or crackers, blowing horns, flying kites, crying aloud by day or night, and all other riotous conduct whatever, within said town, all of which are hereby declared to be misdemeanors; he shall have jurisdiction of all offences or causes arising out of the by-laws and ordinances passed by the Board of Trustees, for the enforcement of the powers granted them by law; he shall have power to order the Marshal to summon a jury in any case cognizable before him, when a jury would be required before the Circuit Court, or a Justice of the Peace, and in all cases, when the amount of the fine is not, or may not be fixed by law, the same be ascertained by the verdict of a jury; he shall have power to issue summonses for witnesses in cases pending before him, and upon their failure to attend, may award compulsory process to compel their attendance; he shall have power, without the intervention of a jury, to fine and imprison for contempts: *Provided*, the fine does not exceed ten dollars, nor the imprisonment twelve hours; it shall be lawful for him to take depositions, and certify the same when they are to be read as evidence in any cause pending in any court in this Commonwealth; he shall keep a record of his proceedings, a copy of which shall be evidence in all courts of justice, and have the same effect as records of Justices of the Peace; all trials before the Police Judge shall be held and had in the town of Somerset.

Police Judge  
to issue his  
process to the  
Marshal or any  
Constable.

Sec. 20. That the Police Judge shall issue his process in the name of the Commonwealth as other warrants, except in cases otherwise provided for in this act, and make them returnable before him as Police Judge of Somerset; the same shall be directed to the Marshal, or to any Constable of Pulaski county, and shall be executed and returned by the Marshal or Constable, as the case may be, under the same penalties as other process from Justices of the Peace: *Provided, however*, that when any prosecution is instituted and carried on at the instance of the Board of Trustees, the warrant shall state that it issued at their instance, in which case they shall be entitled to the fine or penalty recovered, and in case the defendant or defendants are acquitted, the said Trustees shall be liable for such costs as may be adjudged in favor of the de-

pendant or defendants; the Police Judge shall be entitled to a fee of one dollar for a peace warrant, and for warrant for a riot, rout, or breach of the peace, or unlawful assembly, or affray, or for any misdemeanor, or for a breach of any of the laws in relation to the town of Somerset, or of any by-laws or ordinances of the Board of Trustees; he shall be entitled to a fee of twelve and a half cents for recording judgment; twelve and a half cents for an order of sale; twelve and a half cents for a subpoena, and twelve and a half cents for a certificate; and in all other cases his fees shall be the same as those of a Justice of the Peace for like services.

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Police Judge's fees.

SEC. 21. That the said Trustees shall exercise and possess all the powers and privileges which, by the general laws of the land, in relation to towns, are granted to Trustees; and shall have full power and authority to make all the necessary by-laws and regulations, for the purpose of carrying into effect the powers granted by this act, and also, such as may be necessary for the comfort, cleanliness, good order and security of said town, and the citizens thereof, and may enforce the same by adequate penalties, to be recovered in their name before the Police Judge or any Justice of the Peace: *Provided*, the same are not contrary to the constitution or laws of the land. The present Trustees and officers of the town shall continue in office until the Trustees are elected and qualified under the present act, and are hereby invested with all the powers, rights and privileges, which the Trustees and officers to be elected under this act will possess. No suit shall be instituted against the said Trustees unless the same is instituted in the county of Pulaski, and service of process on the chairman of the Board shall be sufficient. Each and every act, or section of an act, coming within the purview of this act, except such acts as have been passed for the benefit of individuals, is hereby repealed. This act shall be in force from the passage thereof.

Power of Trustees.

Trustees & other officers to continue in office until their successors are qualified.

Repealing clause.

Approved February 18, 1846.

#### CHAPTER 249.

##### AN ACT to divorce Louisa Gray.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Louisa Gray, be and she is hereby divorced from her husband, David Gray, he having been divorced by a decree of the Wayne Circuit Court, and that she be restored to her maiden name, Louisa Lee, and that she be restored to all the rights and privileges of an unmarried woman.

Approved February 18, 1846.

1846.

## CHAPTER 250.

AN ACT for the benefit of the widow and heirs of Frederick Adkins, deceased.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Benajah A. Webb, administrator of Frederick Adkins, deceased, be and he is hereby permitted to import into this State, from the State of Virginia, a negro woman, named Sarah and her child Lucy, belonging to the estate of said Frederick Adkins, without incurring the penalty of the law of 1833, to prohibit the importation of slaves into this State.

Approved February 18, 1846.

## CHAPTER 251.

AN ACT for the benefit of William Ramsey, Elisha Gardner, and John B. Cobb.

Right of  
State to land  
released to  
Ramsey.

*SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all the right, title and interest, which this Commonwealth has in and to one hundred and five acres of land, lying in the county of Hart, and conveyed by William Allen to William Ramsey, on the 10th day of November, 1835, being part of a survey of three thousand acres, patented to Abraham Nelson, on the 1st day of April, 1792, be and the same is hereby released to said William Ramsey.

Right released  
to Gardner.

*SEC. 2.* That all the right, title and interest, which this Commonwealth has in and to one hundred and eighty one acres of land, lying in said county, and conveyed by said Allen to Elisha Gardner, on the 10th day of April, 1837, being part of said three thousand acres survey, be and the same is hereby released to said Elisha Gardner.

Right released  
to Cobb.

*SEC. 3.* That all the right, title and interest, which this Commonwealth has in and to one hundred and fifty acres of land, lying in said county, and conveyed to John B. Cobb by Oliver G. Waggener, on the 3rd day of October, 1843, being part of said three thousand acres survey, be and the same is hereby released to said John B. Cobb: *Provided, however,* that said John B. Cobb, Elisha Gardner and William Ramsey, pay all arrearages for tax upon said land, now due and unpaid.

Proviso.

Approved February 18, 1846.

## CHAPTER 252.

AN ACT to amend an act incorporating the town of Raywick.

Town of  
Raywick  
established.

*SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the town of Raywick, in the county of Marion, shall be and the same is hereby established.

**Sec. 2.** That B. Spalding, B. J. Cooper, William R. Mitchell, John Buckman, and Henry Bicket, are hereby constituted and appointed Trustees for said town, who shall continue in office for twelve months, from and after the first Monday in May next, any three of whom may form a quorum to do business.

1846.

Trustees.

**Sec. 3.** That said Trustees may fix the metes and bounds of said town, with the consent of the proprietors of the lands included, and have the same surveyed and platted, laid out into streets and alleys and cross streets, as they may direct, which plats of the survey of said town shall be recorded in the Clerk's office of the Marion County Court, within eight months from the passage of this act.

Trustees may lay out streets, &c.

**Sec. 4.** That it shall and may be lawful for the free male inhabitants of the town of Raywick, who shall have attained the age of twenty one years, and who are entitled to vote for county representatives, and all other persons who have attained the age aforesaid, negroes, mulattos and Indians excepted, who own a lot or town lots in said town, to meet at some convenient house in said town on the first Monday in May, 1846, and on the first Monday in May, in every year thereafter, and elect five Trustees for said town, to serve for one year thereafter and until their successors shall be duly elected.

Qualifications of electors who may choose Trustees.

**Sec. 5.** That no person shall be elected Trustee or qualified to act as such, unless he shall have attained the age of twenty one years and resided within the limits of said town or own real property in said town.

Qualifications of Trustees.

**Sec. 6.** That the Trustees appointed by this act and their successors hereafter to be elected, before they act as such, shall take the following oath, to be administered by any Justice of the Peace in Marion county: "You do swear or affirm, as the case may be, that you will well and truly discharge the duties of a Trustee of the town of Raywick, and that you will, so far as comes within your knowledge, cause all persons to be proceeded against who violate the by-laws or ordinances of said town of Raywick, without favor, partiality, or affection."

Oath of Trustees.

**Sec. 7.** That if the citizens of said town shall, at any time hereafter, fail to elect Trustees on the day appointed by this act, that then, and in that case, the Clerk of the Board, or any Trustee, by giving ten days previous notice, may have an election held for Trustees, which shall be legal.

Special election of Trustees, if regular elections fail.

**Sec. 8.** That the said Trustees shall, on the first Saturday after their election, meet at some convenient house in said town, and at such other times and places as they may deem necessary for the internal policy of said town, and that they shall, at their first meeting, choose a President of the Board, who shall hold his office until the next annual election; they shall also appoint one of their own body a Treasurer, who shall, before he enters upon his duties as such, give bond and good security, payable to the President and his successors, in the penalty of \$150, conditioned for the faithful discharge of

President and Treasurer to be chosen.

1846.

His duties.

his duties as Treasurer, and the said Treasurer shall receive from the Collector of the tax all moneys collected by him for town tax or fines, and shall pay the same over to the order of the board; and upon his failing or refusing to do so, the President may cause application to be made to the Marion County Court, to render judgment against said Treasurer and his securities for the amount of money in his hands; and the said County Court is authorized, upon ten days notice having been given to said Treasurer and his securities, to enter a judgment against them for the amount of money which shall appear to be in the hands of said Treasurer, with thirty per cent. damages thereon, and costs of the motion, and execution shall issue thereon, forthwith, endorsed that no security of any kind shall be taken. The Trustees shall, at their first meeting, appoint a Clerk, who shall hold his office until the next annual election, but may be removed by said Trustees for good cause; and the said Clerk, before he enters upon the duties of his office, shall take an oath, to be administered by the President of the board, that he will, to the best of his skill and ability, make true entries, and that he will safely keep the books and papers given him in charge.

Clerk.

Assessor.

SEC. 9. That the said Trustees shall have power to appoint an Assessor, who shall be sworn to the faithful and impartial discharge of his duty; it shall be the duty of the Assessor to make out and furnish to the Trustees, at such times as they may appoint, lists of the taxable property of each individual of said town, with the value attached thereto, and also a list of the lots, and the value thereof, which are owned by individuals that do not reside in said town. The Trustees shall

Collector.

also have power to appoint a Collector, annually, to collect the taxes assessed on the taxable property and tythes in said town, who shall give bond and security to the Trustees of said town, for the faithful performance of his duties; and the said Collector shall have power to make distress, and sell, if necessary, in the same manner as is now authorized by law in regard to Sheriffs, in collecting the revenue and the county levy in this Commonwealth; and said Trustees shall allow to said Assessor and Collector, an adequate compensation for their services; they shall also allow to their Treasurer and Clerk such compensation for their services as they may deem reasonable and just.

Compensations.

May make by-laws and levy taxes.

SEC. 10. That the said Trustees may enact such by-laws and ordinances, not contrary to the constitution and laws of this State, as they in their discretion may deem most expedient for the government of said town, and impose fines and forfeitures for all breaches of the same; they shall also have power, annually, to lay and levy a tax on the inhabitants and real property of said town: *Provided*, the same shall not exceed fifty cents on each one hundred dollars worth of real property, with a poll tax not exceeding one dollar and fifty cents for each tytheable; and the said Trustees shall have power to pur-

chase, or sell and convey, the titles to any lots in said town, in whom the same shall, by their appointment, be vested, and to contract and be contracted with, to sue and be sued, plead and be impleaded, and to do all and singular, the acts and things, in their corporate capacity, concerning the premises, which individuals might lawfully do.

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May purchase and convey titles to lots.

Sec. 11. That the Trustees of the town of Raywick shall have jurisdiction for one half mile in all directions from the town limits, over all shows and showmen of all descriptions, pedlers and auctioneers, and all exhibitions and performances where money is charged for admittance for a sight thereof, under such penalties as they may choose to impose; and it shall be the duty of all Justices of the Peace, in Marion county, to take jurisdiction of all offences against the provisions of this act, or against the laws and ordinances of the Board of Trustees, made by authority thereof, and to render judgment and award execution thereon; and all fines and penalties imposed by this act, or by the by-laws and ordinances of the Board of Trustees of the town of Raywick, shall be recoverable in the name of the Trustees of said town, and shall be applied by them in such manner as they may deem of the most importance to the general welfare of the citizens and improvement of the town.

Extent of jurisdiction.

Application of license fees.

Sec. 12. That in all elections for the Trustees of the town of Raywick, voters entitled to vote for the same, shall give their votes *viva voce*—the President of the board and some Justice of the Peace to be the presiding officers; and so soon as the election is held and over, the presiding officer shall return the polls to the Clerk of the Board, certifying to him who have received the largest number of votes polled at said election, and who is thereby duly elected; and the Clerk shall copy all polls into a book, to be kept by him for that purpose, and give notice, in writing, to each person elected as Trustee, of his election.

Votes to be given *viva voce*.

Clerk to certify elections.

Sec. 13. That in case of the death, resignation, or removal of any of the Trustees, or their successors, the remainder of said Trustees shall have power to fill such vacancies, who shall hold their office until the next annual election.

Vacancies—how filled.

Sec. 14. That no Trustee of said town shall, by himself, contract for, or procure any other person to contract for him, for any public work let out or disposed of by the Board of Trustees during his continuance in office.

No Trustee to contract or be contractor.

Sec. 15. That the Trustees of said town may appoint a Town Sergeant, who, upon oath, shall be required to give notice to some one member of the board, of all persons who commit a breach of the by-laws of said town, and whose duty it shall be to see that the provisions of this act, and the regulations made in pursuance thereof, are carried into effect; and the Trustees shall allow him compensation for his services.

Town Sergeant.

Approved February 19, 1846.

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## CHAPTER 253.

AN ACT divorcing Edward Farrar and Martha Farrar.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Edward Farrar, and Martha Farrar, his wife, be and they are hereby divorced, and are restored to all the rights and privileges of single persons.*

Approved February 19, 1846.

## CHAPTER 254.

AN ACT divorcing Jesse Gee from his wife Elizabeth Gee.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Jesse Gee be and he is hereby divorced from his wife, Elizabeth Gee, and is restored to all the rights and privileges of a single man.*

Approved February 19, 1846.

## CHAPTER 255.

An ACT for the the benefit of Thomas Howser, of Monroe county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Thomas Howser be and he is hereby permitted to import into this State a certain negro boy, by the name of Joe, about eighteen years old, without incurring the penalties of the law of 1833, prohibiting the importation of slaves into this Commonwealth: Provided, the said Thomas Howser shall, within thirty days after the importation of said slave, make oath before the Clerk of the Monroe County Court, that said slave is imported for his own use, and not as merchandise, which affidavit shall be recorded in said court.*

Approved February 19, 1846.

## CHAPTER 258.

AN ACT for the benefit of John Rogers' children.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for Thomas A. Hurly, who intermarried with the daughter and one of the heirs at law of John Rogers, deceased, to file a bill in the Louisville Chancery Court against his heirs at law, asking a sale of all the real estate which descended to his heirs at law from the said Rogers, and if it shall be deemed by the chancellor to their interest, the said court may order a sale of all the real estate belonging to any and all infant or lunatic heirs at law of the said Rogers, upon such terms and credits as the said court may deem best.*

May file bill  
in chancery  
asking a sale of  
real estate of  
deceased.

**SEC. 2.** It shall and may be lawful for the chancellor to appoint a committee, or guardian or guardians, to any infant or lunatic heirs at law of said Rogers, and to pay over to the said committee, or guardian or guardians, the money arising from said sale and belonging to the said infant or infants, lunatic or lunatics: *Provided*, the said guardian or guardians, or committee, first give bond, with good security, to be approved of by the said court, in such penalties and with such conditions as the said court shall prescribe: *Provided*, that before a decree shall be rendered by the said Louisville Chancery Court, said real estate shall be valued by Commissioners appointed according to the first section of the act, approved February 3d, 1813, entitled, an act vesting jurisdiction in the Circuit Courts to authorize the sale of the real estate of infants in certain cases.

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Guardians and committees for infants and lunatics.

Estate to be valued.

Approved February 19, 1846.

CHAPTER 259.

AN ACT for the benefit of the Sheriff of Union county, and for other purposes.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Sheriff of Union county, be and he is hereby allowed until the third Monday in August next, to return his delinquent list of revenue for the year 1845, which shall be as good and effectual, as if returned as now required by law; and the Second Auditor is hereby authorized to issue his warrant on the Treasurer for any amount that may be due said Sheriff upon a final settlement.

Sheriff Union allowed further time to return delinquent list.

**SEC. 2.** That James Clark, Sheriff of Casey county, shall have until the first day of August, to make out and return to the Second Auditor his delinquent list for revenue tax for said county, for the year 1845, and that said Sheriff shall be allowed the same time to make out and return to the County Court of said county his delinquent list for the county levy of said county, for the year 1845.

Sheriff Casey further time to return delinquent list of revenue & county levy.

**SEC. 3.** That John G. Howard, late Sheriff of Daviess county, be and he is hereby allowed until the first day of December next, to collect the revenue tax, county levy and militia fines for said county for the year 1845; and that said Sheriff shall have until the first day of December next, to make out and return his delinquent list to the Second Auditor for the revenue tax for said county, for the year 1845.

Late Sheriff Daviess further time to collect taxes, &c.

**SEC. 4.** That the Sheriffs of Breathitt, Clay and Owsley counties, shall be allowed until the first day of June next, to make out and return to the Second Auditor their delinquent lists for the revenue tax due from said counties for the year 1845.

Sheriffs Clay Breathitt and Owsley, time to return delinquent list.

**SEC. 5.** That the Sheriff of Washington county shall have until the first day of December next, to make out and return



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to the Second Auditor his delinquent list for revenue tax due from said county for the year 1845; and it shall be the duty of said Auditor, when making a final settlement with said Sheriff, if any thing should be due him, to issue his warrant upon the treasury for the same.

Approved February 19, 1846.

## CHAPTER 260.

AN ACT for the benefit of the Fayette Rifle Company, and Midway H. Guards.

May have 25  
honorary mem-  
bers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That any number of persons residing in Fayette county, within the bounds of the Second Battalion of the 8th Regiment of Kentucky Militia, and liable to perform militia duty, not exceeding twenty five, shall be entitled to become honorary members of the Fayette Rifle Company, upon making application to the Treasurer thereof, and paying him three dollars; and such honorary member shall, except in case of war, insurrection, or invasion, be exempt from performing militia duty each year that he shall pay three dollars to said Treasurer for the benefit of said company, and the Treasurer's receipt shall be *prima facie* evidence of each member's right of exemption from doing military duty for one year after the date of such receipt.

Hon. mem-  
bers to pay \$3,  
annually.

SEC. 2. That such honorary members shall be liable to pay to the Treasurer of said company, three dollars for each and every year he shall remain such member; and the Treasurer, for the time being, of said company, shall have full power to sue in his own name, for the benefit of said company, in the usual manner, any person who shall become an honorary member thereof, according to the provisions of this act, and who shall, after becoming such member, fail or refuse to pay the above sum of three dollars for each and every year he shall remain such member.

May be ex-  
pelled: how.

SEC. 3. That such honorary member may be expelled by a vote of the active members of said company, at any of their regular meetings; and that such honorary member may, at any time, hand into the Treasurer his written resignation of such membership, and shall not be further liable to such company except for arrears unpaid.

Midway H.  
Guards may  
have honorary  
members.

SEC. 4. *Be it further enacted,* That to the Midway H. Guards, (a volunteer rifle company,) are allowed the usual privileges of such uniform volunteer companies; that they may elect honorary members, who shall pay a stipulated fine yearly; may appoint a Collector from their ranks, to collect all fines, whether of regular or honorary members, which fines are for the exclusive benefit of said company of riflemen.

May adopt a  
constitution.

SEC. 5. That they may adopt a constitution and code of by-laws, (in accordance with the present laws of the State,) which shall be binding upon every member subscribing thereto: *Pre-*

*vided*, the company or companies from which said honorary members may be taken, shall not be reduced below the number required by law.

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Approved February 19, 1846.

## CHAPTER 261.

AN ACT for the relief of Henry Blanton and Robert Snell, executors of Carter Blanton, deceased.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Henry Blanton and Robert Snell, executor of the last will and testament of Carter Blanton, deceased, and their securities, be and they are hereby released and discharged from the payment of a decree rendered against them in the General Court, for the sum of \$977 34, with interest thereon from the 27th day of May, 1841, until paid, in the name of the Commonwealth of Kentucky: *Provided, however*, that this act shall not be construed as releasing said Blanton and Snell, and their sureties, from the payment of any costs and commissions to which the officers of the General Court, and Court of Appeals, and Agent of the State, is entitled: *And, provided also*, that said executors pay to the Attorney General, forty dollars, for his services rendered in said case: *And it is further provided*, this act is not to be construed as a bar to any suit which the heirs of Bendict Costa, if any he has, may think proper to institute against said executors, and their sureties, or either of them, or against the devisees of said Carter Blanton, deceased, nor as imposing any obligation on the State of Kentucky to pay any moneys to the heirs of said Costa, or to any other person, in consequence of the passage of this act.

Approved February 19, 1846.

## CHAPTER 262.

AN ACT to abolish an Election Precinct in the county of Gallatin, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the election precinct established at the house of George W. Sanders, in the county of Gallatin, commonly called the "Old Mill" precinct, be and the same is hereby abolished.

Precinct in Gallatin abolished.

SEC. 2. *Be it further enacted*, That the election precinct at Chilesburg, in Fayette county, be and the same is hereby abolished.

Precinct in Fayette abolished.

SEC. 3. *Be it further enacted*, That the Colbyville precinct, in Clarke county, be and the same is hereby abolished.

Precinct in Clarke abolished.

Approved February 19, 1846.

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## CHAPTER 263.

AN ACT to change the name of Eufracia Hendrix to that of Eufracia Smith, and to change the name of Benjamin Thomas Sparr.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the name of Eufracia Hendrix be and the same is changed to that of Eufracia Smith.

SEC. 2. That the name of Benjamin Thomas Sparr be and is hereby changed to that of Benjamin Thomas Gray.

Approved February 19, 1846.

## CHAPTER 264.

AN ACT for the benefit of Common Schools in Laurel, Livingston, and Greenup counties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Superintendent of Public Instruction be and he is hereby authorized to receive the report of the Commissioners of Common Schools, of Laurel county, for districts Nos. 2, 20, and 21, of said county, for the year 1845; and said Superintendent is further authorized to receive the report of the School Commissioners, of Livingston county, for Common School District, No. 1, of said county, for the year aforesaid.

SEC. 2. That the Superintendent of Public Instruction be and he is hereby directed to receive the report of the Commissioners of the Common Schools, in Greenup county, and make the proper allowance out of the school fund to the said schools.

Approved February 20, 1846.

## CHAPTER 265.

AN ACT to amend the charter of the Bardstown Female Academy.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the charter of the Bardstown Female Academy be and the same is hereby so amended, that, hereafter, it shall and may be lawful for five of the Trustees to form a quorum to transact any business connected with said institution.

Approved February 20, 1846.

## CHAPTER 266.

AN ACT for the benefit of John Ricks.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an act, entitled, "an act for the benefit of John Ricks, approved January 27, 1844," be so amended, as to give the said John Ricks, the right at any time within three months, from the passage of this act, to enter into bond in the

Further time  
given to exe-  
cute bond.

County Court of Nelson, in the penalty of \$1200 with one or more good securities, conditioned that the proceeds of the sale of 104 acres of land, made by him to his sons Thomas and John Ricks, on the 5th day of July, 1844, shall be applied to the benefit of his idiot daughter, Jane Ricks, and in case of the inability of the said John Ricks to do so, it shall be lawful for his sons Thomas and John Ricks, or either of them, to execute bond as aforesaid, which bond, when duly executed, shall be entered of record in the Clerk's office aforesaid, when the sale made, as aforesaid, shall be good and valid to all intents and purposes.

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Approved February 20, 1846.

CHAPTER 267.

AN ACT for the benefit of the Reformed Baptist Church, of Slate Run, in Bath county.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, by the petition of Elder John Hensley and others, members of the Reformed Baptist Church, of Slate Run, in the county of Bath, that said church is seized of the fee simple title, by deed of conveyance from Joseph Carter, of a certain lot of ground in said county, containing about two acres, more or less, and the meeting house erected upon the same for a place of worship for said church, and that said church, by a unanimous vote, have agreed to sell the same and invest the proceeds in another lot of ground and the erection of another building for said purpose. Therefore:

A sale of meeting house and lot authorized.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That John Hensley, Jesse Crouch, Robert Steel, and James H. Tapp, or a majority of them, be and they are hereby authorized to sell said lot of ground and meeting house, and make a conveyance thereof to the purchaser or purchasers, and invest the proceeds of said sale in another lot of ground and the purchase or erection of another house of worship, more convenient for said congregation, and to receive a conveyance for the same for the use and benefit of said church, to be vested in them and such others, their successors, as the said church may from time to time elect as the Trustees of the same, as now provided for by law.

Approved February 20, 1846.

CHAPTER 268.

AN ACT to allow an additional Justice of the Peace to Washington county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That one additional Justice of the Peace be and

1846. is hereby allowed to the county of Washington, to be recommended to the Governor by the County Court of Washington in the usual manner.

Approved February 20, 1846.

#### CHAPTER 269.

AN ACT for the benefit of S. Duncan and C. A. Wilson.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Second Auditor be and he is hereby directed to issue his warrant upon the Treasurer in favor of S. Duncan and C. A. Wilson for the sum of four hundred and fifty eight dollars seventy cents, which shall be in full for their services, costs and expenses, in running and re-marking a part of the line between the States of Kentucky and Tennessee.

Approved February 20, 1846.

#### CHAPTER 270.

AN ACT to amend and reduce into one the several acts in relation to the town of New Liberty, in Owen county.

Trustees appointed: term of service.

To take an oath.

Town to be laid off.

When Trustees shall be elected: number to be elected and term of office and qualification.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Lyman Martin, Henry B. Gale, James O'Hara, Howard Todd, and Henry Blanton, be and they are hereby appointed Trustees of the town of New Liberty, in Owen county; that they shall continue in office until the first Saturday in January next, and until their successors are duly elected and qualified according to the provisions of this act. The said Trustees and their successors, before they shall enter upon the discharge of their duties, shall take an oath before some Justice of the Peace for Owen county, that they will faithfully and to the best of their skill and ability perform the duties of Trustees of the town of New Liberty, so long as they shall continue in office. The said Trustees shall cause the said town to be laid off and defined by marked boundaries, and with streets and alleys, a plat of which they shall cause to be recorded in the office of the Clerk of the Owen County Court, and also, in a book to be provided by them for keeping a record of their proceedings.

SEC. 2. That an election for Trustees of said town shall be held on the first Saturday in January next, and on that day in each succeeding year at some place in said town to be designated by the Trustees, and by them advertised by written notice, posted up at three public places therein for ten days next preceding the day of election; at which five persons shall be elected as Trustees thereof, who shall hold their offices for one year and until their successors are duly elected and qualified. No person shall be eligible to the office of Trustee of said

town, who has not been a resident thereof for one year next preceding his election, and who, at the time of his election, is not the owner of real estate therein. All elections for Trustees of said town shall be held and conducted by two of the Trustees in office, to be appointed by the board for that purpose, and by the Clerk of the board, who shall give to each person elected a certificate of his election; all the free white male inhabitants of said town, who have attained the age of twenty one years, and have resided in said town for six months next preceding any election for Trustees, shall be entitled to vote in such election.

SEC. 3. That the Trustees named in the first section of this act, and their successors in office, shall be a body politic and corporate, under the name, style and title of the "Trustees of the town of New Liberty," and as such, may sue and be sued plead and be impleaded, defend and be defended, contract and be contracted with, and may have and use a common seal, and the same may change and renew at pleasure; the said Trustees and their successors, may at any time change the boundary of said town, by an order entered upon their records: *Provided*, the change shall be approved by the County Court of Owen county, to which court the Trustees shall return such alteration, having given ten days notice of the time when they will present the same to said court, by advertisement in writing, attested by their Clerk and posted up at three public places in said town; the said Trustees and their successors shall have power and are required to appoint a Clerk, Assessor, Collector, Treasurer, and such other officers as they may deem necessary and proper for the good government of said town, and shall have full power and authority to fix and prescribe their duties, the tenure of their offices, their salaries and fees, and the mode in which they shall be paid, and further to require of them bond and security for the faithful performance of their duties, and to take an oath before some Justice of the Peace of Owen county, that they will faithfully, to the best of their skill and ability perform the duties of their several offices, before they shall enter upon the discharge thereof.

SEC. 4. That the Board of Trustees shall appoint one of their body chairman, who shall preside at all meetings of the board and sign the record of their proceedings, and copies of all orders of the board certified by the Clerk thereof, shall be taken and received as evidence in all courts of this Commonwealth; a majority of the Trustees shall form a quorum to do business, having power to fill all vacancies in their body by the appointment of others in their stead, who shall hold their office until the next annual election or until successors are elected and qualified.

SEC. 5. That said Trustees shall have power to pass laws and ordinances for the government of said town, to take effect in ten days after notice is given of their passage or adop-

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By whom election to be conducted.

Who may vote for Trustees.

Trustees to be body corporate.

Corporate powers.

Boundary of town may be changed, and how.

Clerk, Assessor, Collector, and Treasurer, &c. to be appointed.

Chairman of the Board to be appointed: his duties and powers.

Majority to form quorum: vacancies how filled.

Ordinances, &c. may be adopted.

1846.

Fines assessed, by whom and how and by whom collected and accounted for.

Penalty on officer for failure to pay over.

Taxes may be levied and collected and amount.

How collected.

Lots on which taxes remain unpaid may be sold: when, and upon what terms and conditions.

Lots sold may be redeemed: when and how.

Saving in favor of infants, feme covert, &c.

tion, by advertisement in writing, attested by the Clerk, posted up at three public places in said town: *Provided*, the same be not inconsistent with the constitution and laws of this State or of the United States: *And, provided also*, that no fines or penalties shall be affixed by such laws and ordinances in a greater sum than \$20 for any single offence, which fines and penalties may be recovered by warrant in the name of the Commonwealth, to be issued and tried by any Justice of the Peace of Owen county, and executed by the town Marshal or any Constable of said county; and all fines recovered for any such offences shall be paid over to the Trustees of said town for the benefit thereof, by the officer collecting the same, and upon his failure to pay over the same, he and his securities shall be liable to motion before any Justice of the Peace of said county, upon ten days notice being given him or them in writing, and judgment may be rendered upon such motion for the amount of the fine, together with twenty per centum on the amount thereof.

SEC. 6. That the Trustees may annually cause to be assessed and collected from all persons residing in said town, liable to pay a county levy tax and a revenue tax to the State, a poll tax not exceeding \$1 50 on each tythe, and an ad valorem tax upon the property in said town, real and personal, now subject to taxation by the revenue laws of the State, not exceeding 50 cents on each \$100 worth of property, which tax, when assessed shall be collected by the Collector, appointed by the Board of Trustees for that purpose, who shall have and possess all the powers now exercised by Sheriffs of this State in the collection of the revenue and county levy taxes, and shall be liable in the same manner as Sheriffs are, for a failure to pay over the same when collected, by motion in the Circuit Court of Owen county.

SEC. 7. That the lot or lots, or parts of lots, situated in said town, upon which the taxes shall remain due and unpaid on the 1st day of October, in each year, may be sold to pay the same by the collector of said town, under an order of the board made for that purpose, the time, place, and terms of sale, being first advertised in some public newspaper, printed in the town of Frankfort, for one month; the said Collector shall make out a list of the lots sold with the names of the purchasers, and amounts for which they were sold, and return the same to the Clerk of the Board of Trustees, which shall be by him recorded in a book to be kept for that purpose: *Provided*, that all lots or parts of lots so sold, shall be subject to redemption within two years from the day of sale, by the payment of the amount bid, with 25 per cent. interest thereon, per annum, and costs of sale to the purchaser, or by depositing the same with the Treasurer of the Board of Trustees, and taking his receipt therefor: *And, provided further*, should the lot or part of lot belong to an infant, feme covert or person of unsound mind, they shall be allowed the term of two

years, from the time their respective disabilities are removed, to redeem the same by paying the amount of taxes with interest, and costs aforesaid, to the purchaser or to the Treasurer as aforesaid; and the said Collector shall, upon the production of the Treasurer's certificate to him that any lot thus sold, has not been redeemed after the expiration of the time for redemption, unless by such time the receipt of the purchaser for the amount of the bid, with interest, &c., as aforesaid, be produced to him, said Collector shall convey the same to the purchaser or his assigns by deed, which, when properly acknowledged and recorded, shall be effectual to pass the legal title to the purchaser or purchasers.

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How and by whom lots sold shall be conveyed.

Approved February 21, 1846.

CHAPTER 271.

AN ACT for the benefit of Jacob White, Sheriff of Fulton county.

**WHEREAS**, Jacob White was commissioned by the Governor, by and with the advice and consent of the Senate, Sheriff of Fulton county; and said White having previously acted as a commissioner of tax in the county of Hickman, and doubts existing whether the appointment of said White, and his acts as Sheriff, are legal. Therefore:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the official acts of said White, as Sheriff, as aforesaid, be and the same are hereby declared legal, as though he had not acted as commissioner of tax.

Approved February 21, 1846.

CHAPTER 273.

AN ACT for the benefit of the heirs of Hubbard B. Smith, deceased.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for William Smith to file a petition in the Grant Circuit Court, against the heirs of Hubbard B. Smith, asking a sale of the house and lot in Williamstown, which descended to his heirs, and if it shall be deemed to the interest of said heirs, it shall be lawful for the said court to order a sale of the said house and lot, and an investment of the proceeds in the purchase of lands in the State of Missouri, by a new guardian to be appointed for the said heirs, or by Nancy Smith, their mother: *Provided*, the said new guardian, or said Nancy Smith, shall first give bond, in the Grant Circuit Court, in the penalty of double the amount received, with good security, residing in the State of Kentucky, conditioned well and truly to invest the same, as aforesaid.

**SEC. 2.** That it shall be lawful for the present guardian of the said heirs to pay over to the said Nancy Smith, any money



1846. belonging to the said heirs, in his hands: *Provided, however,* the said Nancy Smith shall first give bond, in the Grant Circuit Court, in a penalty to be approved of by the Circuit Court, with good security resident in this Commonwealth, faithfully to account for the same, and with the conditions annexed thereto, as is provided for by law in guardian bonds.

Approved February 21, 1846.

#### CHAPTER 274.

AN ACT to amend an act, entitled, an act to amend the act incorporating the town of Columbia, approved February 27th, 1844, and for other purposes.

19th section  
of former act  
amended.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the nineteenth section of the act, entitled, an act to amend the act incorporating the town of Columbia, approved February 27th, 1844, be and the same is hereby so amended, as to authorize and give the right to the Trustees to prohibit merchants in said town from retailing spirituous liquors in any quantity less than one gallon, and that not to be drank in their store house; and the Trustees of said town shall have power to impose a fine, for every such offence, of not less than five dollars, nor more than twenty dollars, to be recovered by warrant, in the name of the Trustees, before the Police Judge or any Justice of the Peace of the county; and that all process hereafter issued for a violation of any ordinance of the Trustees of said town, shall be in the name of the Trustees.

Qualification  
of voters for  
Trustees in  
Versailles.

SEC. 2. *Be it further enacted,* That all the free white male inhabitants who have resided in the town of Versailles for one year preceding any election for Chairman and Trustees, and who would be entitled to vote for county and State officers, shall be entitled to vote for Chairman and Trustees of said town.

Orders for  
paving, &c. in  
Versailles to be  
recorded.

SEC. 3. That a copy of the order requiring repairing, grading, McAdamizing, or finishing the streets, alleys, or sidewalks in said town, together with a copy of the notice of such order, with the affidavit of the Clerk of said board, shall be filed with the Clerk of the Woodford County Court, and shall be recorded by him in the deed book; and a copy of such record shall be *prima facie* evidence that said order was given, and publication made, as required by the 13th section of the act to which this is an amendment.

Approved February 21, 1846.

#### CHAPTER 275.

AN ACT for the benefit of Frederick Potter.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Frederick Potter shall be and he is hereby

allowed until the first day of November next to complete his mill on the east, or Trammel's fork of Drake's creek, without incurring the penalties and forfeitures, or any of them, imposed by the act, entitled, an act to reduce into one the several acts concerning mill dams and other obstructions in water courses, approved February 22d, 1797, or any other act of Assembly, for not having built and completed said mill within the time prescribed by law.

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Approved February 21, 1846.

CHAPTER 276.

AN ACT for the benefit of L. Graves, of Gallatin county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the County Court of Gallatin county to appoint L. Graves a Constable of said county, for district —, including the town of Warsaw, although said Graves may not have lived within the bounds of said district six months next preceding his appointment: *Provided, however,* there is a vacancy in said district at the time of said Graves' appointment.

Approved February 21, 1846.

CHAPTER 278.

AN ACT to incorporate the Lawrence County Coal Mining Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company shall be and the same is hereby established, to be denominated "The Lawrence County Coal Mining Company."

Style.

SEC. 2. The capital stock of said company shall consist of one hundred thousand dollars, to be divided into one thousand shares of one hundred dollars each, to be subscribed for as hereinafter directed.

Capital stock.

SEC. 3. *Be it further enacted,* The subscribers to said company, their successors and assigns, shall be and hereby made a corporation and body politic, in law and in fact, by the name and style of "The Lawrence County Coal Mining Company," and shall so continue until the 1st day of January, one thousand nine hundred; and by said name and style, they shall be and are hereby made able and capable, in law, to contract and be contracted with; to have, possess, enjoy, and retain, to themselves and their successors, lands, rents, tenements, hereditaments, goods, chattels, and effects, as may be necessary and convenient for the working of coal mines in Lawrence county, the building of boats, and erection of a saw mill in said county, and a suitable lot and appurtenances in the city of Louisville, for the reception and safe-keeping of coal in said city, and all requisite buildings, railroads from the banks to

Name and style of corporation: duration & powers.

Purposes of its creation.

1846.

Big Sandy river, and other necessary improvements for the successful operation of said company, in raising, mining, and conveying coal from said county to the city of Louisville, and disposing thereof in said city: to sell, alien, demise or lease, the property and effects of said company; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record or other place; to make, have, and use, a common seal, and the same to break, alter, or amend, at pleasure; and, also, to ordain, establish, and put in execution, all such by-laws, ordinances, and regulations, as shall seem necessary and convenient for the government of said corporation, not being contrary to law and to this act.

Officers: how,  
by whom, and  
when elected.

SEC. 4. For conducting the affairs of said corporation, there shall be a President and four Directors chosen annually, by the stockholders, at a general meeting to be held in Louisville, on the first Monday in June, every year, at some place to be designated by the by-laws: *Provided*, that the first election of said officers shall not be included in said regulation, but shall be held as hereinafter pointed out: *And, provided also*, that, in case it shall happen that an election of Directors should not be made upon any day, when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be dissolved, but it shall be lawful on any other day to hold and make an election of said officers, in such manner as shall be regulated by the by-laws of said corporation; and the former President and Directors shall continue in office until such new election shall be made; and in case of the death, resignation, or permanent absence from the State, of any one of said officers, his place may be filled by some person to be elected by a majority of the remaining officers of the board.

Vacancies—  
how filled.

Agents and  
officers may be  
app'td: rules,  
&c., may be  
adopted.

SEC. 5. The President and Directors shall have power to appoint all agents, officers, and servants under them, for executing the business of the corporation, removable at pleasure, and to allow them such compensation as may be reasonable; and said President and Directors, for the time being, may make, revise, alter, or annul, such rules, orders, and by-laws for the government of said corporation, its agents, officers, and servants, as they, or a majority of them, may, from time to time, deem expedient: *Provided*, that no such rule, order, or by-law, shall be inconsistent with the laws of the land or of this act.

Who may  
vote, and eli-  
gible to office.

SEC. 6. In all elections, each share shall entitle the stockholder or owner to one vote; none but a stockholder shall be eligible as President or Director, and every President and Director shall vacate his office by ceasing to be a stockholder; and in all elections, the stockholders may vote in person or by attorney.

Who to con-  
stitute board.

SEC. 7. It shall require three Directors, or the President and two Directors, to form a board; and no compensation shall be given to the President or Directors, unless voted to them in a general meeting of the stockholders.

SEC. 8. The stock in said company shall be assignable only on the books of said company, and shall, to all intents and purposes, be considered personal estate.

SEC. 9. The President and Directors shall, from time to time, make such dividends, arising from the profits of the corporation, as they may think proper; and it shall be lawful for them to effect insurance on their boats, houses, mill, and other property belonging to said corporation.

SEC. 10. To carry into effect this corporation, James M. Rice, Robert D. Callihan, William T. Nichol, Zattie Cushing, and Thomas Wallace, of the county of Lawrence, and Samuel Cassedy, William Garvin, William E. Glover, L. L. Shreve, and Grandison Spratt, of the city of Louisville, are appointed commissioners. Those living in Lawrence county, or a majority of them, at the Clerk's office in the town of Louisa, on the first Monday in May next, and those living in Louisville, or a majority of them, on the third Monday in April next, at the store of Cassedy & Ranney, in Louisville, shall open books for the subscription of stock in said corporation; which books shall be kept open from week to week, as said commissioners may deem expedient, or closed at one time and opened at another, if deemed advisable by the commissioners at either place; and whenever it shall appear that one hundred shares or more have been taken, the stockholders who have so subscribed for shares, shall meet at the store of Cassedy & Ranney, in Louisville, on the first Monday in June next, or such other time as may be designated by said commissioners, or a majority of them, and proceed to elect, by ballot, a President and four Directors, to serve until their successors shall be duly elected under the provisions of this act; and the person having the highest number of votes for President, shall be duly elected, and the four persons having the highest number of votes for Directors, shall be elected; and the President and Directors, so elected, shall meet at some convenient day thereafter, to be appointed by them, and organize their board, by the appointment of a Secretary, who shall keep a record of the proceedings of the board, and by the appointment of a Treasurer, from whom they shall take a bond for the faithful discharge of his duties, both of whom shall be removable at the pleasure of the board.

SEC. 11. It shall be lawful for said President and Directors, to make such call or calls, from time to time, on said stock, as they may require to carry on said business of coaling, mining, sawing, &c., which calls shall be paid to the Treasurer of the company, and if any stockholder shall fail to pay such call or calls, it shall be lawful for the President and Directors to forfeit, for the use of the corporation, the sum or sums which may have been paid on said share: *Provided, however*, that no call shall be made without giving one month's notice of the time of payment, in some newspaper printed in Louisville, a copy of which paper shall be sent to the stockholders who re-

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Stock assignable.

Dividends of profits.

Com'rs to open books for subscription of stock.

When and where meeting stockholders to be held: President, &c., to be elected.

Secretary & Treasurer to be appointed.

Calls on the stock.

Failure to pay calls, forfeiture of stock

1846.

side out of the city of Louisville: *And, provided further*, that after the full amount of each share shall have been paid, the board shall not have a right to make any further calls, without the consent of a majority of the stockholders at one of their annual meetings.

Further sub-  
scriptions.

SEC. 12. It shall be lawful for the President and Directors to open their books at such time and in such way as they may think proper, for further subscriptions of stock, not to exceed in all one thousand shares, subject to such rules and regulations as they may prescribe.

May borrow  
money.

SEC. 13. It shall be lawful for the President and Directors, after the full amount of stock which may be subscribed for aforesaid, at the opening of the books aforesaid for subscription shall be fully paid, to borrow any sum of money which may be deemed necessary to commence and carry on said business, not to exceed one hundred thousand dollars and to pledge the property and effects of said corporation for the payment thereof.

Service pro-  
cess: seal not  
necessary to  
contracts.

SEC. 14. In all suits instituted against this corporation, service of process on the President, ten days before court, shall entitle the plaintiff to judgment by default at the first term, if such suit shall be undefended; and it shall not, in all cases, be necessary to show a contract under the seal of the corporation, to maintain suit against it, but on the contrary, said corporation shall be bound by any parol or written contract, expressed or implied, which may be made by the duly authorized agent or agents, in the name of said corporation: *Provided*, such contract shall be within the fair meaning of the power or authority granted or delegated to such agent or agents.

Approved February 21, 1846.

#### CHAPTER 279.

AN ACT to change the names of William Henry Rice and John Wilson Dollins, and for the benefit of William H. Garnett.

Name of Rice  
changed to  
Miller.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the name of William Henry Rice, be and the same hereby is changed to William Henry Miller, and by the latter name shall hereafter be known and called.

Dollins chang-  
ed to Miller.

SEC. 2. That the name of John Wilson Dollins be and the same is hereby changed to John Wilson Miller, and by the latter name shall hereafter be known and called.

Made capa-  
ble of inher-  
iting estate of  
Samuel Mil-  
ler.

SEC. 3. That said William Henry Miller and John Wilson Miller shall be capable of inheriting the estate of Samuel Miller, in the same manner as if they were the legitimate children of said Samuel Miller.

SEC. 4. That William Henry Garnett, illegitimate son of William W. and Julia Ann Garnett, his wife, of Boone coun-

ty, be and he is hereby legitimized and made capable of taking, by descent, the estate of said William W. and Julia Ann Garnett as fully and completely as if he had been born in lawful wedlock.

1846:

Garnett legitimized.

Approved February 21, 1846.

CHAPTER 280.

AN ACT for the relief of John S. Lucas, of Warren county.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for John S. Lucas, of Warren county, to bring into this State without incurring the responsibilities imposed by the act of the second of February, 1833, to prevent the importation of slaves, the following named slaves, that is to say, Daniel and Kitty Ann, his wife, Peter and Viney, his wife, and four children, Hannah, Robert, William, and Wesley, an infant; Fanny and her three children, Mariah, Euclid and Ellen; Sina and her husband Harrison; Aaron and his wife Margaret, and three children, Albert, Mary Eliza and Sina; and Frank, a man, which were taken by him to Mississippi.

**SEC. 2.** It shall be the duty of said John S. Lucas, within sixty days after said slaves are brought to this State, to make an affidavit before some Justice of the Peace that said slaves were brought into this State for his own use and not for merchandize; and cause said affidavit to be recorded in the office of the Clerk of Warren County Court, within thirty days after the date thereof; and upon failing to comply with the provisions of this section, the said Lucas shall be responsible for the importation of slaves into this State in violation of the provisions of said recited act of 1833.

Approved February 21, 1846.

CHAPTER 281.

AN ACT for the benefit of John W. Carter.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for John W. Carter, a citizen of this Commonwealth, to exchange one of his slaves with James Baker, a citizen of Missouri, for Andrew, a slave belonging to said Baker; and upon such exchange being made by said John W. Carter with said Baker, it shall be lawful for said Carter to import into this Commonwealth said slave Andrew, without incurring the penalties of the act of 1833, prohibiting the importation of slaves into this Commonwealth: *Provided,* said Carter shall, within thirty days after importing said slave, make affidavit before some Justice of the Peace in and for said county of Woodford, that he has exchanged another slave for Andrew, a slave of said Baker, of the State

**1846.** of Missouri, and that he has brought him into this State for his own use, and not for the purpose or intention of selling him.

Approved February 21, 1846.

#### CHAPTER 282.

AN ACT to reduce the number of Justices in Perry county.

**WHEREAS**, it appears to the General Assembly of the Commonwealth of Kentucky, that there is more Justices of the Peace in Perry county than necessary. Therefore:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That no vacancy in the office of Justice of the Peace in Perry county shall be filled until the number shall be reduced to thirteen.

Approved February 21, 1846.

#### CHAPTER 283.

AN ACT to provide for districting the county of Trimble into Magistrates districts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Trimble, at the next may term thereof, shall lay off and divide said county into districts, equal in number to the number of Justices in said county; and the several Constables in said county shall return process to them directed to the Justice in whose district defendant lives.

Approved February 21, 1846.

#### CHAPTER 285.

AN ACT for the benefit of Robert A. and Mary P. Moffett.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the guardian or guardians of Mary P. Moffett and Robert A. Moffett to file a petition, verified by affidavit, in the Circuit Court for Trimble county, setting forth the interests of said infants in a tract of land derived from Alexander Moffett, deceased; and if it shall appear from testimony produced to said court by depositions, that it will redound to the interest of said heirs that their interests in said land should be sold, said court is hereby authorized to decree a sale thereof on such terms as the court may deem proper.

**SEC. 2.** That said court, in the preliminary steps in making the decree and in securing the said infants in the proceeds of the sale, shall be governed by the act of February 3rd

May file petition in Trimble Circuit Court, and for what purpose.

Court to be governed by act of 1813.

1813, entitled, "an act vesting jurisdiction in the Circuit Courts to authorize the sale of the real estate of infants in certain cases." 1846.

Approved February 21, 1846.

CHAPTER 286.

AN ACT for the benefit Catharine Dagnan.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the name of Catharine Dagnan be changed to that of Catharine Ellen Barlow, and by that name she shall hereafter be known and called. Her name changed to C. E. Barlow.

SEC. 2. That it shall and may be lawful for the said Catharine Ellen to inherit and take by descent, the estate of George W. Barlow, in the same way and to the same extent, as if she were his lawful child: *Provided*, that the said George W. Barlow shall in the County Court of some county in this Commonwealth, by an order on its record, accept and consent to the provisions of this act. May inherit estate of G. W. Barlow.

*Provided.*

Approved February 21, 1846.

CHAPTER 283.

AN ACT providing for a change of venue in the prosecution against Charles Yates.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for Charles Yates, who stands indicted in the Barren Circuit Court on the charge of stealing a slave, on or before the calling of said indictment for trial, at the first term of the Barren Circuit Court succeeding the passage of this act, to appear in said court and elect to be tried in the Adair Circuit Court, and upon such election being made, the Barren Circuit Court shall recognize the said Yates by competent securities in a sufficient penalty, to be and appear in the Adair Circuit Court, to answer said indictment, (provided said Yates shall be prepared to give bail,) and shall also recognize the witnesses, as well on the part of said Commonwealth as for said Yates, if they or any of them shall be in court, to appear in the Adair Circuit Court to testify in said case for the Commonwealth and the accused; and the Clerk of the Barren Circuit Court shall transmit the said indictment, and all the papers in said case, together with a full and complete transcript of all the orders of said court made in said case, to the Clerk of the Adair Circuit Court, who shall receive and file the same in said court, as a part of the records of the same, and thereupon the Adair Circuit Court shall have as full and ample power and jurisdiction to try said case, as though it had originated in the Adair Circuit Court, and had been an indictment properly found by the grand jury of said court, and in the event that May elect to be tried in Adair.

*Defendant and witnesses to be recognized.*

*Indictment, &c. to be transmitted to Adair.*

*Jurisdiction of Adair Circuit Court.*



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Fees and  
mileage to wit-  
nesses.

the indictment shall be quashed, or ruled bad on demurrer, or the judgment shall be arrested for any cause whatever, the said Yates shall not be discharged therefor, but he may be again indicted, by the regular grand jury of said county if in session, or the court may order a grand jury for that purpose if required by the prosecuting attorney, and thereupon said case, on such indictment found, shall be proceeded with in all particulars as if the offence had originated in Adair county; that the same fees and mileage shall be allowed to witnesses for mileage and attendance as in other cases, to be paid in the way pointed out by law.

Approved February 21, 1846.

#### CHAPTER 289.

AN ACT for the relief of John Tompkins.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for John Tompkins, of Boyle county, to import into this State, without incurring the penalties of the act of the second February, 1833, entitled, "an act to amend the law prohibiting the importation of slaves into this State," five negro slaves, named Reuben and Jenny and their three children: *Provided, however*, that said Tompkins shall, within thirty days after said slaves are introduced into this State, make an affidavit before some Justice of the Peace of Boyle county, that said slaves, to be named and described, were brought into this State for his own use and not for traffic; and shall, moreover, cause said affidavit to be recorded in the Clerk's office of the Boyle County Court, within thirty days after the date thereof.

Approved February 21, 1846.

#### CHAPTER 290.

AN ACT for the relief of Milton Busby.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for Milton Busby to import into this State, without incurring the penalties prescribed by the act, entitled, "an act to amend the law prohibiting the importation of slaves into this State," approved February 2d, 1833, five slaves, named Amy, Drucilla and Mary, and two infant children whose names are unknown: *Provided, however*, that said Milton Busby shall, within thirty days after said slaves are brought into this State, make an affidavit before some Justice of the Peace within this State, that said slaves, to be named and described, were imported into this State for his own use, and not for traffic or sale; and shall, moreover,

cause said affidavit to be recorded in the Clerk's office of the County Court of Washington county, within thirty days from the date thereof.

1846.

Approved February 21, 1846.

CHAPTER 291.

AN ACT for the benefit of Ann Elizabeth Long.

**WHEREAS**, it is represented to the present General Assembly, that there descended to Ann Elizabeth Long an interest of one undivided fifth in and to a tract of one hundred and four acres of land, lying in the county of Shelby, from her deceased mother, Julia Ann Long, late wife of William Long, and that in the life time of said Julia Ann, her husband, William Long, sold said interest in said land to Robert Dougherty, for the sum of fifty-five dollars per acre, and took notes for the purchase money, and executed his bond for a conveyance: and whereas, the said Julia Ann departed this life without any conveyance being made, leaving one child only, who is the said Ann Elizabeth, and who is an infant of about five years of age. Therefore:

Preamble.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the said William Long to file his bill or petition in chancery, in the Shelby Circuit Court, against the said Ann Elizabeth and the said Robert Dougherty, alleging the facts contained in the foregoing preamble, and alleging also that it would redound to the interest of said Ann Elizabeth that said contract of sale should be confirmed, which bill or petition shall be verified by the oath of said William Long, and the said William Long shall file with said bill or petition the notes aforesaid for the purchase money, and upon the said court being satisfied that it would be to the interest of said Ann Elizabeth to confirm said contract of sale, it shall be lawful for the court so to decree, taking such steps, as in the discretion of the court, may be deemed proper, to secure the payment of the purchase money, and the execution of a conveyance to said Robert Dougherty by a Commissioner, which conveyance shall vest in said Robert Dougherty all the title and interest of said Ann Elizabeth in and to said one hundred and four acres of land, as fully as if she had been twenty one years of age, and had herself made the conveyance: *Provided however*, that before any decree confirming said sale shall be made, the court shall require said William Long to enter into bond with approved security, payable to such infant and in such penalty as the court may direct, conditioned to pay the same to said infant with such interest as guardians are responsible for to their wards, whenever the same shall be lawfully demanded.

May file petition.

Court may by decree confirm contract.

Proviso.

Approved February 21, 1846.

1846.

## CHAPTER 292.

AN ACT to divorce Elizabeth Wydel.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract heretofore existing between Elizabeth Wydel and Samuel Wydel, her husband, of the county of Campbell, be and the same is hereby dissolved, so far as relates to the said Elizabeth Wydel, and that she be restored to all the rights and privileges of an unmarried woman, and that she be restored to her maiden name, Elizabeth St. Clair.

Approved February 21, 1846.

## CHAPTER 295.

AN ACT to authorize the Mississippi Railroad Company to extend their Railroad from the south boundary line of the Commonwealth of Kentucky to the Mississippi river.

*SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Mississippi Railroad Company, when formed under the act of the General Assembly of the State of Tennessee, passed on the 30th day of January, 1846, entitled, "an act to incorporate the Mississippi Railroad Company," shall be allowed the privilege of making every necessary reconnoissance and survey for the purpose of ascertaining the most eligible route for extending their Mississippi Railroad from the Tennessee State line to a point on the Mississippi or Ohio river.

To make reconnoissance & survey.

Allowed right of way.

Rights and restrictions.

*SEC. 2. Be it further enacted*, That as soon as said route and point shall be ascertained, the Mississippi Railroad Company shall be allowed the right of way for the extension and construction of their said Railroad, from the Tennessee line to the Mississippi or Ohio rivers, and that they shall be entitled to all the privileges, rights, and immunities, and subject to all such restrictions as are granted, made, and prescribed, for the benefit, government, and direction of said Mississippi Railroad Company within the State of Tennessee, by the act above described, and the act therein referred to, chartering the Nashville and Chattanooga Railroad Company.

Approved February 21, 1846.

## CHAPTER 296.

AN ACT granting a change of venue to Marmaduke Coker.

*SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for Marmaduke Coker, who stands indicted in the Livingston Circuit Court, for larceny, on the calling of said cause in said court, at the next term thereof, to elect to be tried on said indictment in the Caldwell Circuit Court; and upon the said Coker's so

Venue changed from Livingston co. to Caldwell.

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making his election, and the same being entered of record, the said Livingston Circuit Court shall recognize the said Coker to be and appear in the Caldwell Circuit Court on the second day of the next succeeding term thereof, to answer to the said indictment, and not to depart therefrom without leave of said court first had and obtained, in which said recognizance the Livingston Circuit Court shall require good security, and shall also recognize, as well the witnesses on behalf of the Commonwealth as of said Coker, to appear and give testimony in said cause in the said Caldwell Circuit Court; whereupon, the Clerk of the Livingston Circuit Court shall transmit the said indictment, and all papers pertaining to said cause, together with a certified copy of all orders and proceedings had therein, to the Clerk of the said Caldwell Circuit Court; and the Clerk of the Caldwell Circuit Court shall, upon the reception thereof, receipt for the same, and shall enter upon the docket of his said court, the said cause among the pleas of the Commonwealth; and, thereupon, the said Caldwell Circuit Court shall have and entertain as complete jurisdiction in the premises, as though the offence charged in said indictment had been committed in the county of Caldwell.

SEC. 2. *Be it further enacted*, That if the said indictment shall be quashed, ruled bad on demurrer or in arrest of judgment, the said Coker shall not be released therefor, but a new grand jury may be summoned, if the regular grand jury shall have been discharged, and a new indictment by them found, if the evidence will warrant it, and new proceedings had thereon, in the same manner as if the offence aforesaid were committed in the county of Caldwell.

New indictment may be found.

SEC. 3. That the witnesses in attendance upon said cause, residing out of the county of Caldwell, shall be allowed the same mileage and ferriages as other witnesses attending out of their counties, upon legal process.

Pay of witnesses.

Approved February 21, 1846.

#### CHAPTER 297.

AN ACT to incorporate the town of Shelbyville, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town of Shelbyville, as laid off and described in a plat, and the additions thereto, now of record in the Clerk's office of the Shelby County Court, shall be known, and is hereby declared to be the extent and limits of said town: that, hereafter, the fiscal, prudential, and municipal concerns of said town, be vested in seven Trustees, who shall be elected annually, on the first Saturday in August, by the free white male inhabitants over the age of twenty one years, and who have resided in said town six months previous to said election; which said Trustees shall hold their offices for the term of one year, and until their suc-

Town established.

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One fourth  
of the county  
levy to be ap-  
plied for the  
same purpose.

Trustees to  
appoint Mark-  
et Master, &c.

Duties of  
Market Mas-  
ter.

Duty and  
power of Trus-  
tees in regard  
to slaves hiring  
their own time  
in said town,  
&c.

Trustees may  
purchase bury-  
ing ground.

May erect a  
free school and

which, in the opinion of said board, may, for the comfort or improvement of said town, require such paving, grading, or McAdamizing, and should they deem proper, may, in addition thereto, appropriate to the same purpose, one fourth of the amount received from poll taxes levied for the same year.

SEC. 9. That the said Trustees shall have the control and care of the market house, and shall annually appoint a Market Master, who shall give bond and security, to be approved by the board, faithfully to perform the duties assigned him by the board: he shall rent the stalls, and license persons to sell meats, and other articles, under the direction of the board; and the bonds, notes, and accounts, taken by him therefor, shall be made payable to the board, and be collected by the Marshal before and by judgment of the Police Judge. The said Trustees shall have full power and authority to pass all by-laws, rules and regulations for the government of the market, not contrary to the constitution and law of the land, and may inflict fines and penalties to enforce the same, in any sum not exceeding ten dollars for each offence, recoverable before the Police Judge.

SEC. 10. That if the owner or hirer, or any person who has the legal control and custody of any slave, shall suffer or permit said slave, to hire his or her own time, or go at large and act for himself or herself in said town, the Police Judge shall, at the instance of said Trustees, or the Marshal, issue his warrant against the owner or hirer, or person who has the legal control of said slave, to show cause why judgment shall not be rendered against him or her for such offence, which warrant may be executed by the Marshal or his deputy, or by any Constable: and upon the return of the same, a jury shall be empanelled before said Police Judge, and if the jury shall ascertain that the defendant to said warrant, suffered and permitted said slave to hire his or her own time, or go at large and act for himself or herself in said town, the said Police Judge, shall, thereupon, enter judgment, that said owner or hirer, or such person having the legal control of such slave, be fined any sum not exceeding fifty dollars, at the discretion of the jury, to be paid to said Trustees: *Provided, also*, that when the owner of any slave, thus going at large, or hiring his or her own time, is unknown, or resident out of this Commonwealth, the Police Judge may, on the application of said Trustees, order said slave to be hired out, by the Marshal, from month to month, for the benefit of said town, until the owner can be ascertained.

SEC. 11. That the said Trustees shall be authorized to purchase and hold any quantity of ground, of not more than twenty five acres, to be within two miles of the limits of Shelbyville, for a burying ground, and may make all needful and necessary regulations for the use and protection of the same. They shall have full power to purchase and erect the necessary ground and buildings for a free school or schools in said

town, and make all necessary regulations in relation to said school, and the government and carrying on of the same. They may also establish fire companies in said town, and confirm and appoint the officers selected by said companies, and procure the necessary engines and implements to be used in case of fire, and require all the inhabitants of said town to keep such a number of fire buckets as they may think necessary, and make such regulations as they may think necessary in relation to said companies. They shall have power and authority to establish a watch house and a work house, or either or both, as they may deem expedient, and appoint watchmen and other officers to superintend such houses, and to apprehend all offenders and disorderly persons and take them before the proper tribunal, to be dealt with according to law; all persons who may be confined by order or judgment of the Police Judge or Justice of the Peace of said town, for breaches of the peace, riots, routs, affrays, unlawful assemblies, or any other offences against the ordinances or by-laws of said town, or the general laws in relation to the same, and all common mendicants and vagrants, may, by the order of said Police Judge or Justice of the Peace, if he think proper to make such order, be confined in said work house, at hard labor, and shall be discharged when the terms of their confinement have been complied with, or the time thereof has expired.

SEC. 12. That the Board of Trustees of the town of Shelbyville, shall have the power to appoint, annually, a Clerk, Assessor, Treasurer, Marshal, Market Master, Surveyor, and such other officers for said town as may be necessary to carry into effect the laws, by-laws, rules and regulations, made for the general welfare of said town and the citizens thereof, and may prescribe the respective duties, and affix and pay the respective salaries of said officers. They shall require bond with sufficient security, in adequate penalties, by all officers appointed by them to fill responsible offices, which bonds shall be made payable to the Board of Trustees of the town of Shelbyville, and may contain any stipulations and covenants that said Trustees may think proper to require or receive, and when executed, shall operate as a mortgage and lien upon all the real and personal estate of such officers and their securities, respectively, until all the conditions of said bond are respectively complied with, and that, for a breach or violation of the condition or conditions of any such bonds, the said Trustees may sue, and recover, and have the appropriate judgment and execution, by action of covenant or debt, in the Shelby Circuit Court, against the parties to said bonds, respectively; that said officers, and their securities, shall be liable for the prompt payment of all sums of money that shall come to their hands; and they and their securities shall be liable to a judgment in the Shelby Circuit Court, in favor of the Board of Trustees, or any person entitled to money collected by them, in like manner, and subject to the same penalties that

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purchase the buildings necessary for the same.

May establish fire companies, purchase engines, regulate number of fire buckets, establish a watch house & work house, appoint watchmen and other officers, and to apprehend disorderly persons.

When disturbers of the peace, mendicants, &c. may be sent to the work house.

Clerk, Assessor, Treasurer, Marshal, Market Master, Surveyor, and other officers.

Bond to be executed, and how.

Bond to operate as lien on the property of officers and securities.

How suits may be had on such bonds.

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One fourth of the county levy to be applied for the same purpose.

Trustees to appoint Market Master, &c.

Duties of Market Master.

Duty and power of Trustees in regard to slaves hiring their own time in said town, &c.

Trustees may purchase burying ground.

May erect a free school and

which, in the opinion of said board, may, for the comfort or improvement of said town, require such paving, grading, or McAdamizing, and should they deem proper, may, in addition thereto, appropriate to the same purpose, one fourth of the amount received from poll taxes levied for the same year.

SEC. 9. That the said Trustees shall have the control and care of the market house, and shall annually appoint a Market Master, who shall give bond and security, to be approved by the board, faithfully to perform the duties assigned him by the board: he shall rent the stalls, and license persons to sell meats, and other articles, under the direction of the board; and the bonds, notes, and accounts, taken by him therefor, shall be made payable to the board, and be collected by the Marshal before and by judgment of the Police Judge. The said Trustees shall have full power and authority to pass all by-laws, rules and regulations for the government of the market, not contrary to the constitution and law of the land, and may inflict fines and penalties to enforce the same, in any sum not exceeding ten dollars for each offence, recoverable before the Police Judge.

SEC. 10. That if the owner or hirer, or any person who has the legal control and custody of any slave, shall suffer or permit said slave, to hire his or her own time, or go at large and act for himself or herself in said town, the Police Judge shall, at the instance of said Trustees, or the Marshal, issue his warrant against the owner or hirer, or person who has the legal control of said slave, to show cause why judgment shall not be rendered against him or her for such offence, which warrant may be executed by the Marshal or his deputy, or by any Constable: and upon the return of the same, a jury shall be empannelled before said Police Judge, and if the jury shall ascertain that the defendant to said warrant, suffered and permitted said slave to hire his or her own time, or go at large and act for himself or herself in said town, the said Police Judge, shall, thereupon, enter judgment, that said owner or hirer, or such person having the legal control of such slave, be fined any sum not exceeding fifty dollars, at the discretion of the jury, to be paid to said Trustees: *Provided, also*, that when the owner of any slave, thus going at large, or hiring his or her own time, is unknown, or resident out of this Commonwealth, the Police Judge may, on the application of said Trustees, order said slave to be hired out, by the Marshal, from month to month, for the benefit of said town, until the owner can be ascertained.

SEC. 11. That the said Trustees shall be authorized to purchase and hold any quantity of ground, of not more than twenty five acres, to be within two miles of the limits of Shelbyville, for a burying ground, and may make all needful and necessary regulations for the use and protection of the same. They shall have full power to purchase and erect the necessary ground and buildings for a free school or schools in said

town, and make all necessary regulations in relation to said school, and the government and carrying on of the same. They may also establish fire companies in said town, and confirm and appoint the officers selected by said companies, and procure the necessary engines and implements to be used in case of fire, and require all the inhabitants of said town to keep such a number of fire buckets as they may think necessary, and make such regulations as they may think necessary in relation to said companies. They shall have power and authority to establish a watch house and a work house, or either or both, as they may deem expedient, and appoint watchmen and other officers to superintend such houses, and to apprehend all offenders and disorderly persons and take them before the proper tribunal, to be dealt with according to law; all persons who may be confined by order or judgment of the Police Judge or Justice of the Peace of said town, for breaches of the peace, riots, routs, affrays, unlawful assemblies, or any other offences against the ordinances or by-laws of said town, or the general laws in relation to the same, and all common mendicants and vagrants, may, by the order of said Police Judge or Justice of the Peace, if he think proper to make such order, be confined in said work house, at hard labor, and shall be discharged when the terms of their confinement have been complied with, or the time thereof has expired.

**SEC. 12.** That the Board of Trustees of the town of Shelbyville, shall have the power to appoint, annually, a Clerk, Assessor, Treasurer, Marshal, Market Master, Surveyor, and such other officers for said town as may be necessary to carry into effect the laws, by-laws, rules and regulations, made for the general welfare of said town and the citizens thereof, and may prescribe the respective duties, and affix and pay the respective salaries of said officers. They shall require bond with sufficient security, in adequate penalties, by all officers appointed by them to fill responsible offices, which bonds shall be made payable to the Board of Trustees of the town of Shelbyville, and may contain any stipulations and covenants that said Trustees may think proper to require or receive, and when executed, shall operate as a mortgage and lien upon all the real and personal estate of such officers and their securities, respectively, until all the conditions of said bond are respectively complied with, and that, for a breach or violation of the condition or conditions of any such bonds, the said Trustees may sue, and recover, and have the appropriate judgment and execution, by action of covenant or debt, in the Shelby Circuit Court, against the parties to said bonds, respectively; that said officers, and their securities, shall be liable for the prompt payment of all sums of money that shall come to their hands; and they and their securities shall be liable to a judgment in the Shelby Circuit Court, in favor of the Board of Trustees, or any person entitled to money collected by them, in like manner, and subject to the same penalties that

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purchase the buildings necessary for the same.

May establish fire companies, purchase engines, regulate number of fire buckets, establish a watch house & work house, appoint watchmen and other officers, and to apprehend disorderly persons.

When disturbers of the peace, mendicants, &c. may be sent to the work house.

Clerk, Assessor, Treasurer, Marshal, Market Master, Surveyor, and other officers.

Bond to be executed, and how.

Bond to operate as lien on the property of officers and securities.

How suits may be had on such bonds.



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May remove  
and appoint  
others in their  
stead.

Sheriffs and their securities are. The said board shall have full power and authority at any time to remove any of said officers or their deputies, and appoint others in their stead; and when any vacancy occurs, by the death, removal or resignations of the Chairman of the Board, or of any of the officers, they shall in like manner have full power and authority to appoint others in their stead.

Assessor to  
be appointed,  
&c.

SEC. 13. That the Trustees shall appoint, from among the citizens of said town, an Assessor, who shall, before he enters upon the duties of his office, take an oath duly and impartially to discharge the duties thereof; whose duty it shall be to call upon all the taxable persons in said town and make out a true list of their taxable property, with the value thereof, which list shall be made upon the oath of the party, to be administered by the Assessor. The Assessor's list shall be taken so as to include all the real estate in said town, and all the free males over twenty one years of age, except those now exempt by law, and all slaves over sixteen years of age, and all slaves with their value, with all other species of personal property, including all articles of property now subject to taxation for revenue purposes, except spectacles, watches and pianos. If any person or persons shall refuse to give in a list of his or her property, or be absent, the Assessor shall make out a list from the best information he can procure; and when there is any real estate in said town, the owner or owners whereof may be unknown, it shall be the duty of the Assessor to report that fact, specially, on his list, together with the value of the property. He shall, on or before the 20th day of April of the present year, and on or before the 1st day of March in every year hereafter, annually, complete and return the list, so taken, to the Board of Trustees; upon the return of the list by the Assessor, the Trustees shall give notice that any person or persons who may feel themselves aggrieved by the valuation of the Assessor, may appear before them at a stated meeting, to be held for such purpose, on or before the 15th day of May of the present year, and on or before the first day of April in each succeeding year, with their evidence to show the true valuation of such property, and the Trustees, on such proof being made to them, may change such valuation.

When to re-  
turn his list,  
and duty of  
Trustees on  
return of list,  
to correct un-  
fair valuation.

When taxes  
to be laid &c.

SEC. 14. That the said Board of Trustees may, annually, lay and levy the taxes for the current year, and direct the time within which the same shall be paid, at the first meeting of the board after the Assessor returns his list, or if any thing should prevent the levy and tax from being then made and levied, the same may be done at the next meeting of the board.

Assessor's  
list to be recor-  
ded, effect of  
such record.

SEC. 15. That after the first day in June, of the present year, and after the first day of May, in each succeeding year, the Clerk of the Board of Trustees shall receive, file, and preserve, the Assessor's list, with any corrections that may have been made therein by the Board of Trustees; and the said list, thus received, or copies thereof, attested by said Clerk,

shall be received in evidence in any court of justice, and shall be *prima facie* evidence that the Assessor has complied with all the duties prescribed to him by law, and shall also be *prima facie* evidence that all the laws in relation to the fixing and adjustment of the taxes have been regularly complied with by the Board of Trustees and its officers.

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Sec. 16. That the Treasurer, appointed by the Board of Trustees, shall take an oath faithfully and honestly to discharge the duties of his office, and shall execute bond, with good security, to the satisfaction of the Trustees, which bond shall be conditioned to pay over all moneys which may come to his hands, as Treasurer, to the Trustees or their order, and to perform all the duties imposed on him by law as Treasurer, and may contain such other stipulations as the board may think proper to require; the Treasurer shall receive and receipt for all moneys paid or received; he shall receive and receipt for all moneys paid to the Board of Trustees; he shall keep a fair record of all the fiscal concerns of the board, and record, in order, the appropriations of said board, as certified to him by the Clerk, and pay the same according to their order; he shall pay no moneys without receiving a copy of the resolution of the Board of Trustees, making such appropriation, and he shall file all received by him for settlement by resolution of the Board; his book shall at all times be open to the inspection of persons having claims upon the board, upon reasonable notice; he shall, on or before the tenth day of July of the present year, and on or before the tenth day of July in each succeeding year, report to the Clerk of the board, a true list of all the moneys received by him, with a list of all the moneys and dues that remain unpaid at that time; he shall be allowed such compensation for his services as the Board of Trustees may direct, not exceeding three per cent. on all moneys received and paid out by him under the order of the Board; he shall also, when required by any order of the board to that effect, attend and report to the same the condition of the treasury, and shall at all times be ready for a settlement.

Treasurer to be appointed and to execute bond. His duties, &c.

Sec. 17. That the Clerk appointed by the said Trustees shall take an oath, faithfully and impartially to discharge the duties of his office, and shall execute bond, with such conditions and with such security as shall be required by the board; it shall be his duty to preserve the books, papers, records, and every thing belonging to his office, and deliver the same to his successor in office; he shall keep a regular journal of the proceedings of the board, with a regular account of the fiscal concerns thereof. He shall file and preserve the poll books, annually, and shall record all the acts, resolutions and orders of the board; he shall take all bonds, agreements and records, and preserve all contracts and agreements made between the Board of Trustees and other persons; he shall copy and sign all resolutions, orders, claims and allowances when required to do so, by persons having claims against the board; he shall

Clerk to be appointed and his duties prescribed.

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file and preserve, annually, the Assessor's book; he shall make out a fair list of the persons and property, liable to taxes, with the amount due by such persons or property, in alphabetical order, and place the same in the hands of the Treasurer on or before the first day of April, annually; and he shall file and preserve the report of the Treasurer; and he shall make out and place in the hands of the Marshal, on or before said first day of April, annually, a list of the persons and property, by whom or on which taxes and dues to the town remain unpaid, and the amount of the same respectively: he shall have full power to administer oaths in all cases when oaths may be necessary; his compensation shall be fixed and allowed by the board.

Marshal to  
be appointed  
and his duties  
prescribed.

SEC. 18. That the Marshal shall be appointed annually, by the said Trustees, and shall take an oath faithfully to discharge his duties, and shall give bond, with approved security, in a sum not less than three thousand dollars, conditioned faithfully to discharge the duties of his office; and may contain any other conditions that the board may think proper to require; he shall have full power, within the county of Shelby, to serve all process and precepts to him directed from the Police Judge, and make due return thereof; he shall have full power, within the county of Shelby, to collect the taxes, dues and demands, of said town, in the same manner that Sheriffs have to collect the county levy and State revenue; levy and perfect executions upon all orders and judgments of the Police Judge; serve and execute all orders and notices issued or made by the board, and make due return on the same: he shall be entitled to the same fees and per cent. for collecting the tax of said town, penalties, and forfeitures, as Sheriffs and Constables are in like cases, where it is not otherwise provided for by this act or by order of the board. He shall be entitled to a fee of one dollar for serving a peace warrant, or warrant for a riot, rout, affray, or breach of the peace, and for all warrants where fines are to be assessed by a jury, before the Police Judge; and to a fee of twenty five cents for all other warrants for penalties, forfeitures, and debts, to be tried by the Police Judge without a jury; and to a fee of twelve and a half cents for summoning a witness; and to the same fees from the State, to be paid out of the Treasury and county levy, for serving felony warrants and warrants against slaves for misdemeanors, as Constables are for like services: he is allowed to take replevin bonds on all executions in which a replevy is allowed by law, and make the same payable; in three months, to the plaintiff in the execution: he shall be subject to the same proceedings, and liable to the same penalties as Sheriffs and Constables are in like cases, for the non-performance of any of the duties enjoined in this act.

Fees.

May take re-  
plevin bonds.

SEC. 19. That the Board of Trustees of the town of Shelbyville, shall have power and authority to assess, levy, and collect, annually, a tax on all real and personal estate within the

Levy taxes  
on real estate.

limits of said town, not to exceed twenty five cents on the one hundred dollars worth of property; also to levy and collect a poll tax, not exceeding one dollar and fifty cents on all persons and slaves now subject to county levy: they may tax all theatrical performances, shows and exhibitions of all kinds whatever, in any sum not exceeding twenty dollars for such exhibition, show, or public performance, on any one day, within the town of Shelbyville, or within two miles of the same; they shall have power and authority to tax all auctioneers, in a sum not exceeding ten per cent. for all goods, wares and merchandise, and articles sold to bidders within said town, unless by permission of said Trustees; and except property sold by citizens of their own manufacturer, or by order of Court, or by executors, administrators or guardians; and shall have a lien on the articles sold, or to be sold for said tax, until the same is paid, or the person selling the same takes out license for that purpose; they shall have power to license all auctioneers; they shall have power and authority to cause all stores and groceries within the limits of the town to be rated first, second and third, and to levy and collect a tax on each, not exceeding fifteen dollars per year; and when stores are taxed according to their rate, the goods therein shall not be valued and included in the assessment of property for taxation in said town: *Provided, however,* that said Board of Trustees shall not be permitted to charge more on each class of stores and groceries than the following sums, viz: for class number one fifteen dollars, number two ten dollars, and number three five dollars; they shall have the right to lay, and the exclusive right to license, all taverns, groceries, victualers, confectioners, retailers, and houses of public resort, excepting gambling houses, and houses of ill fame, within said town, and fix the tax thereof in the same sum required by law for tavern license and to discontinue the said licenses, or any one thereof, at pleasure: *Provided,* that they shall cause their Treasurer to pay, annually, into the Public Treasury of the State, said tax for licenses, and the said board shall be bound to make annual report of the amount of tax received therefor, and pay the amount due thereon to the State, in the same manner that Clerk's of the County Courts are required to do, and under the same penalties, and shall be liable to be proceeded against by the Auditor, for any default, in the same manner. All bonds shall be taken by the Clerk of said board for such license, and oath administered by him, as is required to be administered by Clerks of the County Courts. Any law giving the County Court of Shelby county the power to grant tavern license within the limits of said town, is hereby repealed; that said board of Trustees shall have all the rights and power to collect the taxes of said town, as is now given by law for the collection of the State revenue and county levy: *Provided, however,* that the provisions of this act shall in no wise change the mode of listing merchandize for taxa-

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Shows, performances, &c

Goods, wares, &c.

License Auctioneers.

Proviso.

Classify stores.

Exclusive right to license taverns, groceries, &c. &c.

Proviso.

Repealing clause.

Power to collect taxes.

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Governor to  
appoint a Po-  
lice Judge, &  
his powers, &  
certain acts  
declared to be  
misdemeanors.

tion, in said town, for the State revenue, or the collection of the tax thereon.

SEC. 20. That it shall be the duty of the Governor, by and with the advice and consent of the Senate, to appoint a judicial officer to be styled "the Police Judge of Shelbyville," who shall be commissioned as such, during good behavior, who, before he enters upon the duties of his office, shall take an oath before some Justice of the Peace, to discharge the duties of his said office faithfully and impartially to the best of his ability, without favour, affection, or partiality to any one, together with such oaths as public officers are usually required to take. The said Judge shall have jurisdiction within the said town and the county of Shelby, of all misdemeanors, and of all causes, civil, criminal or penal, in which Justices of the Peace have jurisdiction; and that in criminal or penal cases, he shall have the jurisdiction now given by law, to two Justices of the Peace; and shall proceed in the same manner that Justices of the Peace are required to proceed in such cases; he shall have full power and authority to require bail, and receive the acknowledgment and execution of recognizances of bail in all cases originating before him, in which bail is or may hereafter be authorized or required by the law of the land; and such recognizances shall be taken in such form, and be returned in such manner as is, or may be prescribed by the several laws authorizing or requiring bail; he shall be a conservator of the peace, and have jurisdiction over affrays, assaults and batteries, riots, routs, breaches of the peace, unlawful assemblies, all cases of indecent or immoral behavior or conduct, calculated to disturb the peace and dignity of said town; over all cases of drunkenness, profane swearing, running horses, firing guns or pistols, making reports by burning powder, or matches, or crackers, blowing horns, flying kites, crying aloud by day or night, and all other riotous conduct whatever, within said town, all of which are hereby declared to be misdemeanors; he shall have jurisdiction of all offences or causes arising out of the by-laws and ordinances passed by the Board of Trustees, for the enforcement of the powers granted them by law; he shall have power to order the Marshal to summon a jury in any case cognizable before him, when a jury would be required before the Circuit Court, or a Justice of the Peace, and in all cases, when the amount of the fine is not, or may not be fixed by law, the same shall be ascertained by the verdict of a jury; he shall have power to issue summonses for witnesses in cases pending before him, and upon their failure to attend, may award compulsory process to compel their attendance; he shall have power, without the intervention of a jury, to fine and imprison for contempts: *Provided*, the fine does not exceed ten dollars, nor the imprisonment twelve hours; it shall be lawful for him to take depositions, and certify the same when they are to be read as evidence in any cause pending in any court in this Common-

Depositions  
may be taken  
by Police J'ge.

wealth; he shall have full power and authority to grant injunctions, restraining orders against absent defendants, writs of *ne exeat* and *habeas corpus*, under the same rules and regulations prescribed by the several acts authorizing certain Justices of the County Courts to grant injunctions, writs of *ne exeat* and *habeas corpus*; he shall have full power to administer oaths in all cases wherein Justices of the Peace are required and authorized so to do; he shall keep a record of his proceedings, a copy of which shall be evidence in all courts of justice, and have the same effect as the records of Justices of the Peace; and shall, in all other matters not herein mentioned, have concurrent jurisdiction with Justices of the Peace, and be governed by the same laws and regulations: all trials before the Police Judge shall be held and had in the town of Shelbyville.

SEC. 21. That the Police Judge shall issue his process in the name of the Commonwealth as other warrants, except in cases otherwise provided for in this act, and make them returnable before him as Police Judge of Shelbyville; the same shall be directed to the Marshal, or to any Constable or Sheriff of Shelby county, and shall be executed and returned by the Marshal, or Constable, or Sheriff, as the case may be, under the same penalties as other process from Justices of the Peace: *Provided, however*, that when any prosecution is instituted and carried on at the instance of the Board of Trustees, the warrant shall state that it issued at their instance, in which case they shall be entitled to the fine or penalty recovered, and in case the defendant or defendants are acquitted, the said Trustees shall be liable for such costs as may be adjudged in favor of the defendant or defendants; the Police Judge shall be entitled to a fee of one dollar for a peace warrant, or for a warrant for a riot, rout, or breach of the peace, or unlawful assembly, or affray, or for any misdemeanor, or for a breach of any of the laws in relation to the town of Shelbyville, or of any by-laws or ordinances of the Board of Trustees; he shall be allowed fifty cents for all injunctions, restraining orders against absent defendants, writs of *ne exeat* and *habeas corpus*, respectively; he shall be entitled to a fee of twenty five cents for recording judgment; twenty-five cents for an order of sale; twelve and a half cents for a subpoena, and fifteen cents for a certificate; and in all other cases his fees shall be the same as those of a Justice of the Peace for like services.

SEC. 22. That in all suits and prosecutions instituted by the Board of Trustees, they may, at their election, either adopt the ordinary mode of declaring and pleading, or may file a petition, stating in plain and simple language, the cause of their complaint, and the character of the judgment which they require, upon which petition a summons shall issue, requiring the defendant or defendants to answer the same; and upon which summons bail may be required, when the petition states a case in which bail is demandable by law, and upon the

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May grant  
injunctions, re-  
straining or-  
ders, &c.

Mode in  
which process  
shall issue and  
be returned be-  
fore Police  
Judge.

Fees of Po-  
lice Judge.

Mode of su-  
ing by Trus-  
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simplified.



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execution of the summons, the defendant or defendants shall, on the day when the same stands for trial, file a general traverse to the same; and in default thereof a writ of enquiry shall be had and damages assessed as in ordinary cases, when a writ of enquiry is necessary, and when no writ of enquiry is necessary, by the rules of law, a judgment shall be taken by default; no objection shall be taken to the form of the petition if it apprize the defendant or defendants with reasonable certainty of the charge which he is called to answer, and under the issue as thus directed to be joined, either party may introduce any testimony that would be proper under any state of special pleading in bar or replication thereto; and the defendant may also, under the issue avail himself of any equitable defence which he may have to said petition. In such proceedings by petition, such judgment shall be rendered and such executions be awarded as the justice of the case may require.

Power of former Trustees, &c., vested in the present, and authority given to make by-laws and how the same may be enforced.

Sec. 23. That the said Trustees shall exercise and possess all the powers and privileges which, by the general laws of the land, in relation to towns, are granted to Trustees; and shall have full power and authority to make all the necessary by-laws and regulations, for the purpose of carrying into effect the powers granted by this act, and also, such as may be necessary for the comfort, cleanliness, good order and security of said town, and the citizens thereof, and may enforce the same by adequate penalties, to be recovered in their name before the Police Judge; *Provided*, the same are not contrary to the constitution or laws of the land. The present Trustees and officers of the town shall continue in office until the Trustees are elected and qualified under the present act, and are hereby invested with all the powers, rights and privileges, which the Trustees and officers to be elected under this act will possess. No suit shall be instituted against the said Trustees unless the same be instituted in the county of Shelby, and service of process on the Chairman of the Board shall be sufficient. This act shall be in force from the passage thereof.

Suits to be instituted against Trustees in Shelby county.

Police Judge for the town of Danville.

Sec. 24. *Be it further enacted*, That a Police Judge shall be appointed by the Governor, by and with the advice and consent of the Senate, for the town of Danville, who shall exercise the powers and receive the emoluments provided for in the act passed at the present session, entitled, "an act to reduce into one the several acts in relation to the town of Danville, and for other purposes."

Approved February 21, 1846.

CHAPTER 299.

1846.

AN ACT to establish and improve a State road from James Carlton's ferry, in Boone county, to intersect the Covington and Lexington Turnpike Road.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Benjamin Stephens, Larkin Ryle, Edward Rice, and Samuel Stephens, be and they are hereby appointed Commissioners, who, or any three of whom, after they have taken an oath before some Justice of the Peace for Boone county (a certificate of which shall be filed in the Clerk's office of said county) faithfully and impartially to execute the duties required of them by this act, shall proceed to view and mark the best, most eligible and most useful route for a State road, from James Carlton's ferry, on the Ohio, to the town of Union, in Boone county, thence to a point in the Covington and Lexington Turnpike road, near Mount Zion meeting house.

Commission-  
ers.

Mark the  
route.

SEC. 2. That the said Commissioners shall make a report to the County Court of Boone, sufficiently and accurately describing the route of said road, and noting the most important points thereon, naming the proprietors or owners of the land through which it may pass, and setting forth the conveniences and inconveniences that will result to the individuals owning said land, as well as to the community, in the event of the establishment of said road.

Report to  
County Court.

SEC. 3. That the County Court of Boone, upon receiving said report, shall cause the proprietors of the land through which the road is to run, unless they have given their consent in writing for the establishment thereof, to be summoned to show cause, if any they have, why said road shall not be opened, and may take all necessary steps to open the same at least thirty feet wide, and provide for keeping the same in repair: *Provided, however*, that said road shall not be opened and established as a State road, unless the County Court of Boone, a majority of all the Trustees being present, shall be of opinion that said road, when opened, will be of public utility and convenience.

County  
Court to sum-  
mon land own-  
ers, &c.

Proviso.

SEC. 4. That any person or persons, over whose land said road may pass, shall have the right to obtain from the County Court of Boone county, a writ of ad quod damnum, under the provisions of the general road law, and the damage assessed under such writ shall be levied by the said County Court as is directed by said road law.

Writs of ad  
quod damnum  
allowed.

SEC. 5. That said Commissioners are hereby authorized to circulate and raise by subscription any sum or sums which may be subscribed for the purpose of opening said road, and the County Court of Boone may appoint three Commissioners, any one of whom shall, under the direction of said court, apply the same to grading the hills and building bridges, and such other improvements as will be requisite to put the road in good repair, and may be allowed by the court a compen-

Commission-  
ers may raise  
subscriptions  
and apply the  
same.

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sation for his trouble, while superintending the same, not exceeding one dollar per day, to be paid out of the fund so raised by subscription.

Approved February 21, 1846.

## CHAPTER 300.

AN ACT to amend an act, entitled, an act to amend an act incorporating the Louisville and Mississippi Railroad Company, and to promote the construction of a Railroad between said city and river.

*Act of incorporation revived.*  
**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an act, entitled, an act to incorporate the Louisville and Mississippi Railroad Company, approved February 23d, 1839, and an act, entitled, "an act to amend an act, incorporating the Louisville and Mississippi Railroad Company and to promote the construction of a railroad between the said city and river," approved February 7th, 1840, shall be revived, and every provision in said acts contained shall be in full force and effect from the passage of this act for the term of ten years.

*State may impose a tax on passengers and freight.*  
**SEC. 2.** *Be it further enacted,* That whenever said company shall realize a profit from said road, sufficient to make a dividend of six per centum among the stockholders thereof, the State shall have the right to impose a tax upon the said company, not exceeding half of one cent per mile for each passenger passing over said road, and one cent per ton per mile for the transportation of all and every species of commodity, transported on said road; and for the purpose of presenting the financial condition of said company, the President thereof shall make a report to the General Assembly, annually, within ten days after the meeting thereof, in which he shall set forth the amount of gross receipts and expenditures, and the items of expenditure, as also the net receipts for distribution among the stockholders; and for a failure to comply with the provisions of this act, the said company shall forfeit their charter hereby granted: *Provided,* that the revival of any former charter does not in any way make the Commonwealth of Kentucky liable for the appropriation of money.

*President shall report to Legislature.*

*Proviso.*

Approved February 21, 1846.

## CHAPTER 301.

AN ACT to allow the county of Lincoln one additional Justice of the Peace, and for other purposes.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be allowed to the county of Lincoln one additional Justice of the Peace.

**SEC. 2.** That an additional Justice of the Peace be allowed to Caldwell county.

SEC. 3. That an additional Justice of the Peace be allowed to Breathitt county, who may reside on Holly creek.

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SEC. 4. That it shall be lawful for Richard J. Brown, a Constable in the district including the town of Paris, in Bourbon county, to reside within one mile and a half of said town without forfeiting his office in said Constable's district.

Approved February 21, 1846.

CHAPTER 303.

AN ACT for the benefit of the Louisville Tobacco Warehouse.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the owner, or owners, of the Louisville Tobacco Warehouse, or their successors and assigns, may erect, at some convenient and suitable point within the city of Louisville, west of fifth cross street in said city, a tobacco warehouse, for the inspection, sale and storage of tobacco; which when erected and completed and ready for use, may be occupied and used under the same provisions, and on the same terms, that now govern the Louisville Tobacco Warehouse, which has been established by law, under the authority of the Mayor and Council of the city of Louisville, by an act establishing and permitting the same.

New warehouse authorized under the same provisions of the old.

SEC. 2. And it shall be lawful for the proprietors of the said new warehouse, to change the name of the said new warehouse to that of the Planters' Warehouse, or to any other they may choose: *Provided, however*, that before the said new warehouse shall be used by the proprietors, under the provisions of this act, the warehouse known as the Louisville Tobacco Warehouse, as aforesaid, shall be closed and discontinued; and after the same shall be so discontinued, it shall not be lawful to re-open it as a tobacco warehouse.

Name may be changed.

Proviso.

Approved February 21 1846.

CHAPTER 305.

AN ACT to change the venue in the prosecution against Charles Darnals.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for Charles Darnals to appear before the Breckinridge Circuit Court, at the next term of said court after the finding of an indictment against him by a grand jury, if an indictment shall be found in said court, and make his election to be tried on such indictment in the Grayson Circuit Court, which election shall be noted on record; and, thereupon, the Breckinridge Circuit Court shall recognize the said Darnals, with good bail, to appear on the first day of the next ensuing term of the Grayson Circuit Court, to answer said indictment; and in case said

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Darnals shall be unable, or shall fail to give such bail as may be required by said court, said court shall enter up an order requiring the Sheriff of Breckinridge county to deliver over to the Jailer of the county of Grayson the body of said Darnals, so that he shall answer to said indictment in said Grayson Circuit Court, at the next ensuing term of said Court; and such other proceedings as may have been had thereon, being certified to the Grayson Circuit Court, the said Grayson Circuit Court shall take cognizance of said indictment, and every thing incident thereto, in the same manner as if the offence, for which said Darnals may be indicted, had been committed in the county of Grayson; and the Judge of the Breckinridge Circuit Court shall, in case the said Darnals makes his election as herein provided, recognize the witnesses, as well on the part of the Commonwealth as the said Darnals, (if any of them shall appear before said court,) to appear in the Grayson Circuit Court, to give evidence in said prosecution; and the Grayson Circuit Court shall proceed, on all recognizances, in the same manner as if they had been entered into in said court: and in case said indictment shall be found defective, and shall be quashed, or the judgment arrested, said Darnals shall not, for that cause be discharged, but a special grand jury shall be summoned, if the regular grand jury shall have been discharged, and a new indictment found, if the evidence will warrant it; and the said Darnals shall be tried thereon in the same manner as if the offence had been committed in the county of Grayson.

SEC. 2. *Be it further enacted*, That the Clerk of the Breckinridge Circuit Court, upon the election of said Darnals being made, as herein provided, shall transmit the indictment, and other papers, with a transcript of all the orders made in the case, to the Clerk of the Grayson Circuit Court, and shall take his receipt therefor; and the witnesses attending the Grayson Circuit Court shall be entitled to the same pay, and mileage, that is now allowed, by law, to witnesses in criminal cases.

Approved February 21, 1846.

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CHAPTER 307.

AN ACT for the benefit of Robert B. Hall.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the County Court of Barren county, at their next Court of Claims, to levy whatever sum they may think proper, not exceeding two hundred and twenty four dollars, for the paying of Robert B. Hall for his services and expenses in apprehending and bringing into the county of Barren, from the state of Mississippi, a negro

slave, Bird, who was indicted in the Barren Circuit Court for rape.

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Approved February 23, 1846.

CHAPTER 311.

AN ACT to establish the Frankfort Manufacturing Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company, to be called the "Frankfort Manufacturing Company," shall be and the same is hereby established, with a capital of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be subscribed and paid for by individuals, companies and corporations. And the subscribers to the stock of said company, their successors and assigns, shall be and they are hereby created a body politic and corporate, with perpetual succession, by the name and style of the "Frankfort Manufacturing Company;" and, by that name and title, may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity; and to make, have and use a common seal, and the same to break, alter and renew at pleasure; also, may purchase, receive, rent, hold and enjoy lands, rents, tenements, water power, goods, chattels, and effects, of any kind whatsoever; and, also, to ordain, establish and put in execution any by-laws, rules and regulations as shall appear necessary for the governing and managing the concerns of said company, not inconsistent with this act, or the constitution and laws of this State, or of the United States.

Incorporated.

Capital stock.

Powers.

SEC. 2. That the business of said company shall be the manufacturing of silk, cotton, hemp, flax, tow and woollen goods, or either of them, in all or any of their branches; and, also, the sawing of plank or lumber; or in such one or more of said branches as said company may, from time to time, see fit to engage in.

Business of company.

SEC. 3. That Robert P. Letcher, William Tanner, John M. Hewitt, Benjamin F. Johnson, Edmund H. Taylor, Philip Swigert, Orlando Brown, H. I. Bodley, Thomas S. Page, William S. Harris, and Robert H. Crittenden, are hereby constituted Commissioners for opening books for the subscription of stock; and they, or a majority of them, may open books for the subscription of stock, at such time or times and places as they may deem advisable—requiring each subscriber to pay, in cash, five dollars per share at the time of subscription: and when the Commissioners, who may act, believe there is a sufficient amount of stock subscribed to commence operations, they shall call a meeting of the stockholders, who shall proceed to elect a President and four Directors, who shall manage

Books to be opened.

Call meeting to elect President and Directors.

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Annual  
meeting.

the affairs of said company until the first Saturday in January, 1847, and until their successors may be elected and enter upon the discharge of their duties. On the first Saturday in January next, and on the first Saturday in January in each year thereafter, a meeting of the stockholders shall be called, by advertisement for two weeks previously, in one of the newspapers printed in Frankfort, at which meetings a President and four Directors, in said company, shall be elected for the then ensuing year, and who shall remain in office until their successor or successors may be elected; and in the event of there being a failure to elect at the annual meeting of stockholders, another meeting may be called by public notice, signed by those representing one fourth of the stock, at which meeting such President and Directors may be chosen. In all elections of President and Directors, or other question to be decided by the stockholders, each stockholder shall be entitled to one vote for each share of stock held by him or her; and in the event of a vacancy in the Board of President and Directors, by death, resignation, or refusal to act, the remainder of said board may supply said vacancy: *Provided*, that no person shall be eligible as President or Director of said company who is not, at the time of his election, a *bona fide* stockholder in said company.

Stock how voted.

Vacancies to be filled.

Books may be opened till all the stock is taken.

SEC. 4. That at any time after the company is organized, if all the capital stock has not been subscribed for, the President and Directors may open books, if deemed by them advisable, for the subscription of stock from time to time until the whole capital stock shall be taken.

Quorum.

SEC. 5. The President and two Directors, or in the absence of the President, three Directors, shall constitute a quorum to do business; and said President and Directors shall have the power to prescribe, by resolution, when the stock is to be paid in and how secured; and they shall have power and authority to forfeit to the company such stock as shall not be paid agreeably to such requisitions; and it shall be their duty to provide such by-laws as may be necessary for the transfer of stock, from time to time, provided that no person who is indebted to the company shall have power to transfer his stock therein, until such indebtedness is discharged, without the sanction of the Board of President and Directors, evidenced by a resolution recorded in the journal of their proceedings.

Payment of stock.

Stock may be forfeited.

Transfer of stock.

May employ Clerk, &amp;c.

SEC. 6. The Board of President and Directors shall have power to employ a Clerk, or Clerks, and such other officers or agents as may be deemed by them to be proper, and to do all other acts necessary and proper to carry on the manufacturing business; they shall keep, or cause to be kept, a journal of all their proceedings; and the books of said company shall, at all times, be subject to the examination of a committee appointed at a meeting of the stockholders, or upon demand made by those representing not less than one fourth in amount of said stock.

SEC. 7. The stock in said company shall be deemed and held as personal property; and in all meetings of stockholders an executor, guardian, or trustee, may represent and vote the stock held by the deceased person, ward, or beneficiary; and stockholders may act at such meetings by proxy.

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Stock personal property.

Approved February 23, 1846.

CHAPTER 312.

AN ACT for the benefit of Missouri and Mary Jane Arnold.

WHEREAS, it is represented to the present General Assembly of the Commonwealth of Kentucky, that Missouri and Mary Jane Arnold are the natural children of John Arnold, and that said John Arnold desires that his said children, Missouri and Mary Jane Arnold, be legitimated, and thereby be made capable of inheriting.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That said Missouri and Mary Jane Arnold be and are hereby made legitimate, and capable of inheritance of all lands and tenements, goods and chattels, rights and credits, of said John Arnold, in as full and ample a manner as if they had been born in lawful wedlock; and shall take his name.

Approved February 23, 1846.

CHAPTER 313.

AN ACT for the benefit of Edmund Robertson.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Edmund Robertson, a citizen of Trigg county, be and he is hereby permitted to bring into this State a negro girl named Jane, about thirteen years of age, without incurring the penalties of any law now in force prohibiting the importation of slaves into this Commonwealth: *Provided,* that said Robertson shall, within thirty days thereafter, file his affidavit in the County Court Clerk's office for Trigg county, for record, that said negro is for his own use and not for purposes of sale or speculation.

May import a slave.

Approved February 23, 1846.

CHAPTER 314.

AN ACT to revive and amend an act, entitled, an act to incorporate the Louisville, Nashville and Knoxville Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an act, entitled, an act to incorporate the Louisville, Nashville and Knoxville Railroad Company, be and the same is hereby revived and declared to

Act revived.



1846. be in full force, and shall so continue and remain for the space of ten years; and should a company be formed, under the provisions of said act, and stock subscribed as therein provided, the further time of ten years shall be and is hereby allowed for the ultimate completion of said road.

Books to be  
opened for the  
subscription of  
stock.

Com'rs.

SEC. 2. That books for subscription for thirty thousand shares, of capital stock for said company, of one hundred dollars each, may be opened at any time within the space of ten years after the passage of this act; and the following persons, in the places designated, shall be and they are hereby constituted Commissioners for said purpose: In the city of Louisville, John I. Jacob, Virgil McKnight, Levin Shreve, James Guthrie, Levi Tyler, William J. Graves, and Percival Butler; in Elizabethtown, Bryan R. Young, Samuel B. Thomas, Charles G. Wintersmith, and John L. Helm; in the town of Munfordsville, George T. Wood, Lewis Barret, and Jesse Craddock; in Bowlinggreen, Joseph R. Underwood, John B. Helm, Jacob Vanmeter, William V. Loving, and James R. Skiles; in the town of Glasgow, D. R. Young, J. P. Bates, John G. Rogers, and John Ellis; in the town of Scottsville, A. S. Walker, R. W. Hammonds, F. G. Harvey, and Samuel Scrogin; in the town of Franklin, P. H. Boiseau, William B. Jones, L. B. Clark, and E. D. Solomon; in the town of Gallatin, Joseph C. Guild, James Owens, William Huffman, and Z. W. Baker; in the city of Nashville, John Bell, Ephraim H. Foster, A. O. P. Nicholson, and Franklin Gorin; the last named Commissioners shall have power to appoint three or more persons in any county, town, or city, in the State of Tennessee; and the Commissioners named in the city of Louisville shall have power to appoint three or more Commissioners in any town, county, or city, in any of the States of the United States—to open books for subscription of stock to construct said road; and they shall have power to fix such days as they may think proper to open said books, and to authorize private subscriptions of stock for the purpose aforesaid. The second section of said recited act is hereby repealed, and this section substituted for the second section. And so much of the fourth section of said recited act, as appoints Edmund T. Bainbridge, Andrew Hynes, Henry Grider, and Christopher Tompkins, central Commissioners, whose duty it shall be to meet at Bowlinggreen on the first Monday in November next, after the passage of the said act, shall be and the same is hereby repealed.

Central committee.

SEC. 3. That the Commissioners herein named, as residents of Louisville and Nashville, may appoint five persons to constitute a central committee, to meet at such time and place as they may think proper, for the purposes mentioned in the fourth section of said recited act.

Former act  
limiting time  
repealed.

SEC. 4. That so much of every section of said act, which fixes limitations as to time, inconsistent with the provisions and intent of this act, be and the same is hereby repealed;

and the acts to be performed, as prescribed by said sections, may be done and performed within the time prescribed by this act for the duration hereof.

1846.

SEC. 5. That the following proviso shall be deemed and held a part of the 17th section of said act: *Provided, however,* that said company may begin simultaneously, or otherwise, at Louisville, Nashville, and two other places, on the surveyed route which may be ordered and designated by the President and Directors of said company.

Work may be commenced at several places.

SEC. 6. That so much of the 35th section of said act as directs the Commissioners appointed, or a jury which may be summoned, to value and assess damages, as directs that the said Commissioners or Jury, in assessing damages, to consider the advantages resulting to the owners of such land, &c. by reason of the construction of said road, be and the same is hereby repealed.

A section of former law as to damages repealed.

SEC. 7. *Be it further enacted,* That as soon as said company shall declare a dividend, at the rate of six per centum per annum on the capital stock actually paid in and expended by said company, the Legislature of Kentucky shall have the right to receive any sum, provided by law, not exceeding one half of one per cent. per mile for each passenger, and one cent per mile, per ton, on freight transported thereon.

When dividends are six per cent. the Legislature to lay a tax on passengers, &c

Approved February 23, 1846.

#### CHAPTER 317.

AN ACT for the benefit of Rockcastle, Harlan and Owsley counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all laws requiring the counties of Rockcastle, Harlan, and Owsley, to procure weights and measures, be and the same are hereby repealed.

Approved February 23, 1846

#### CHAPTER 320.

AN ACT concerning the Methodist Episcopal Church of Madison county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the Methodist Episcopal church of Madison county, according to their rules of proceeding, to cause to be entered on the record book of said church, an order directing the sale of seven acres of ground in Madison county, belonging to said church, and which is now vested in the Trustees of said church; and, thereupon, it shall be lawful for the Trustees of said church to sell and convey to the purchaser said seven acres of land, and such sale and conveyance shall confer a good and valid title upon the purchaser; but to render the same good against subsequent purchasers, said conveyance shall be recorded in the Clerk's

Authorized to sell a piece of ground.

1846.

office of the Madison County Court, as other deeds are directed to be recorded. And the money arising from said sale shall be held and used by said Trustees, as said church may, by its orders, direct.

Approved February 23, 1846.

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CHAPTER 323.

AN ACT to incorporate the Floyd's Fork Turnpike Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Simeon N. Kalfus, Hiram Tucker, Robert Fisher, Samuel Bell, Lumeneous Dimmitt, John Gilleland, — Hall, and their associates, shall be and they are hereby created a body politic and corporate, with perpetual succession, for the purpose of constructing a turnpike road from Robert Fisher's mill, on Floyd's fork, to intersect the Louisville and Shelbyville turnpike road between Middletown and Hiram Tucker's, (or at Hiram Tucker's,) by the name and style of the Floyd's Fork Turnpike Company; and by that name and style, shall have power and authority to contract and be contracted with, to sue and be sued, plead and be impleaded, in all courts of law or equity, and elsewhere; and to have and use a common seal, and the same to alter and renew at pleasure; and to make all by-laws that shall be deemed proper for the purpose of governing the affairs of the company, and regulate the conduct and business of its officers and agents—not, however, inconsistent with the laws and constitution of the State.

SEC. 2. The management of the affairs and prudential concerns of the Floyd's Fork Turnpike Company shall be under the control and directions of a President and four Managers, who shall be stockholders, and chosen by the shareholders at such time and place as they shall direct by their by-laws; and each share of stock shall entitle the holder to one vote; the form of the certificate of stock, and the manner of issuing and transferring them, shall be regulated by the by-laws of the company; and the shares shall be personal estate.

SEC. 3. The capital stock shall be as many shares of fifty dollars, each, as will make said road, not exceeding the sum of twenty five thousand dollars in all.

SEC. 4. The persons named in this act, or any three of them, shall have power and authority to open books for the subscription of stock; and when the sum of twelve thousand dollars shall have been subscribed, they shall hold an election, after giving ten days notice in one or more of the newspapers published in Louisville, for a President and four Managers, who shall hold their offices for one year, and until others are chosen.

SEC. 5. As soon, after the company shall have been organized, as practicable, the President and Managers shall proceed to locate and determine the route for said road, by appointing

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a committee of three of the stockholders, and a competent Engineer, who are not interested in any land through which said road is to pass, whose duty it shall be to examine the ground, and ascertain the best route for said road, commencing at the bridge crossing Floyd's Fork, near Robert Fisher's mill, running thence to intersect the Louisville and Shelbyville turnpike road, between Middletown and Hiram Tucker's, or at Hiram Tucker's, not more than forty feet wide, and make report thereof to the President and Managers.

SEC. 6. The President and Managers of said company shall have the right to acquire and hold the route of said road, not exceeding forty feet in width, and a lot for a toll house not exceeding one acre; and shall grade the said forty feet in width, and McAdamize not less than sixteen feet of the same, and may erect only one gate on said road; and shall be entitled to charge and receive the same rates of toll, as may be established by the Louisville and Elizabethtown turnpike road company, at their first five mile gate, and no more.

SEC. 7. The President and Managers of the company, hereby incorporated, shall be vested with all the powers, authorities, immunities, tolls, privileges, and advantages, in all and every respect, so far as they shall be applicable, that are now vested by law in the Louisville and Elizabethtown Turnpike Road Company, subject to the like limitations and restrictions, as if they were herein embodied and repeated, except so far as they are modified, or otherwise provided for by this act: *Provided*, that no money shall be drawn from the Treasury or Internal Improvement Fund of this State under this act.

Approved February 23, 1846.

#### CHAPTER 324.

AN ACT for the benefit of Elizabeth Thompson, and her infant children.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for Philip R. Thompson and Elizabeth Thompson to file a bill in chancery, in the Louisville Chancery Court, making Samuel Burks, Annet Thompson, Mary Louisa Thompson, Eliza H. Thompson, Jane R. Thompson, and Malinda H. Thompson, children of said Philip R. Thompson and Elizabeth Thompson, who are infants, defendants; and after due service of process on said defendants, and the appointment of a guardian *ad litem* for the infants, the said court may, upon being satisfied, by proof, that the interest of the said Elizabeth Thompson and her five infant children, aforesaid, will be promoted by the sale of a lot of ground in the city of Louisville, on which said Philip R. Thompson and Elizabeth Thompson now reside, and which was conveyed to said Samuel Burks in trust for the said Elizabeth Thompson, during her natural life; and then to her said children, the before mentioned infants, by James A. Marraman and Tarleton Cox,

May file bill  
in chancery.

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Court may  
decree sale of  
lot, &c.

which deeds are of record in the office of the Clerk of the Jefferson County Court, to decree a sale of said lot of ground, and that the proceeds of such sale be invested in other real estate either in the city of Louisville, or the State of Missouri, or Territory of Iowa; and for the purpose of carrying out such decree, said court shall appoint a commissioner, who, before he receives into his hands the proceeds of such sale, shall execute bond, with good security, in a penalty double the amount of such sale, payable to the Commonwealth of Kentucky, for the use and benefit of said Elizabeth Thompson and her five infant children, as aforesaid, and conditioned for the faithful discharge of the duties imposed upon him by said decree; and the real estate purchased by said commissioner, with the proceeds of the sale of said lot, shall be held upon the same trust, and in the same manner, that the said lot of ground in Louisville is now held by the said Samuel Burks. Said Chancery Court of Louisville is hereby vested with jurisdiction and power to make all orders and decrees necessary to carry into full effect the intention of this act.

Approved February 23, 1846.

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#### CHAPTER 330.

AN ACT for the benefit of James W. Prater and Erastus Evans.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the license to vend clocks, issued by the County Court Clerk of Owsley county, to James W. Prater and Erastus Evans, is hereby declared valid, to all intents and purposes; and all contracts made by them, or either of them, or by their agent or agents, shall be as valid as if the same had been legally issued: *Provided*, that the said Erastus Evans and Prater, or either of them, shall pay the sum of ten dollars to the Clerk of the County Court of Owsley, or to the Auditor of Public Accounts.

Approved February 23, 1846.

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#### CHAPTER 334.

AN ACT to allow the voters in an Election Precinct in Warren county to determine on the removal of the place of voting in said Precinct.

**WHEREAS**, many persons have petitioned for the removal of the place of voting at an election precinct in Warren county, from the house of William Wright, deceased, to the Elk Spring, at the house of Jarrett Howard, against which many persons have remonstrated: and, whereas, it is believed that a majority of those who usually vote and live within said precinct should have the right to determine on the removal of said place of voting from said Wright's to said Elk Spring. **Therefore:**

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*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That, at the next August election, a poll shall be opened at the said election precinct, for the removal of the place of voting therein to the house of said Howard, at or near the Elk Spring, and, also, for retaining the place of voting in said precinct at the house of said Wright, and the voters who live in, and usually vote at, said precinct, when they go to the polls, shall, if they think proper to do so, cast their votes either in favor of moving the place of voting in said precinct to said Elk Spring, or of retaining it at the house of said Wright. The Sheriff, or his deputy, who conducts said election, shall report the number of votes for removing the place of voting to the Elk Spring, and, also, the number of votes against it, to the Warren County Court at the term of said court next after said election; and if it shall appear to said court that there has been a majority of votes cast in favor of removing the place of voting, in said precinct, to said Elk Spring, the said court shall make an order on their record declaring that the place of voting in said precinct shall thereafter be held at the house of Jarrett Howard, at or near said spring; and, thereafter, all elections in said precinct shall be held at the house of said Howard, at or near said spring.

Approved February 22, 1846. *P.*

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CHAPTER 336.

AN ACT for the benefit of the devisees of Wm. Logan, deceased.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that at the June term of the Circuit Court of Harrison county, in the year 1831, a decree was made, by which Theophilus Chowning was appointed a commissioner to convey to the devisees of William Logan, deceased, certain lands therein mentioned, lying in Harrison county, for and on behalf of the unknown heirs of James Brooks, deceased, and others: and that, afterwards, said Chowning, in pursuance of said decree, did execute a deed to said devisees for said lands, dated the 17th of December, 1831, which deed was afterwards, on the day of the date thereof, acknowledged by said Chowning before the Clerk of the Harrison Circuit Court, in his office, and was duly recorded by said Clerk pursuant to the provisions of the act, approved February 16th, 1808: and, whereas, it is represented that a part of said devisees are *femes covert*, who wish to sell their interest in said land, but owing to their dispersed situation it is very inconvenient for them to make deeds of conveyance to the purchasers. Therefore:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the Clerk of the County Court of Harrison county to record said deed, so made by said Theophilus Chowning, with the certificate of



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the Clerk of the Circuit Court thereon endorsed, which shall be as effectual, to all intents and purposes, from the time of recording thereof by the Clerk of said County Court, as if such deed had been acknowledged before said Clerk by said Chowning, and thereupon recorded by said Clerk.

SEC. 2. *Be it further enacted*, That it shall be lawful for said devisees and their wives, (if any they have,) and the husbands of said female devisees, to constitute an attorney or attorneys in fact, with full power to execute deeds of conveyance to any purchaser of said land, or of any part thereof, with such warranty or covenants as said devisees may think proper: *Provided*, that such appointment shall be made by deed, in writing, and acknowledged in the office of any County Court of this Commonwealth, before the Clerk thereof, or proved before the Clerk by two credible witnesses, and together with the certificate of such acknowledgment or proof, recorded in the Clerk's office of the County Court of Harrison county.

Approved February 23, 1846.

#### CHAPTER 337.

AN ACT for the benefit of William T. Dudley, Clerk of the Fleming County Court.

WHEREAS, William T. Dudley, Clerk of the Fleming County Court, in issuing licenses to persons to peddle clocks, failed to demand and collect the amount required by law for granting such licenses, believing at the time that he did demand and receive the correct amount under a misapprehension of the law: and, whereas, the amount which he failed to collect being only twenty dollars, from the payment of which said Clerk (having acted in good faith,) ought to be exonerated. Therefore:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That said William T. Dudley, Clerk of the Fleming County Court, be and he is hereby exonerated from the payment, into the treasury, of the sum of twenty dollars; and that in settling his accounts for moneys collected, as provided by law, he have a credit for said sum of twenty dollars.

Approved February 23, 1846.

#### CHAPTER 338.

AN ACT for the benefit of the widow and heirs of G. C. Bohannon, deceased.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that George C. Bohannon purchased of Isaac N. Edwards, seventy nine acres of land, lying and being in the county of Barren; that he also purchased of James G. Hardy nineteen acres, lying in same county; and

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that he also made a parol exchange with said Hardy, whereby he purchased nine acres more of land of said Hardy, and gave and delivered, in consideration thereof, to said Hardy, thirteen acres of land, being a part of the land purchased of said Edwards, and each entered into possession of and improved the parcels of land thus acquired by this exchange: and, whereas, also, said Bohannon sold all of the above mentioned tracts of land, except the thirteen acres exchanged to said Hardy as above stated, to John Shirley, and executed his bond for a conveyance accordingly, and afterwards departed this life indebted. Wherefore, that ample justice may be done to all the parties interested in the premises:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for Joseph M. Bohannon, administrator of George C. Bohannon, deceased, to file his bill in the Circuit Court of Barren county, making John Shirley, James G. Hardy, and the widow and heirs of George C. Bohannon, deceased, (and such other persons as the Court may deem necessary,) parties thereto, stating the above facts, together with the entire amount of the estate of George C. Bohannon, deceased, both real and personal, and the debts against the same, as near as he can; and if, upon a full investigation of the facts, the court shall be of opinion that the confirmation of the parol contract, between the decedent and Hardy, will redound to the interest of the heirs of said G. C. Bohannon, he is hereby authorized and empowered to perfect, by decree, the same, as though it had been reduced to writing; the said court may make such other and further decree or decrees as may be necessary to secure the payment of the purchase money that may be due, and deeds of conveyance to the respective parties who may be entitled to the same; he may, also, make such other and further decree as may be just and equitable, not inconsistent with this act; but no decree made under this act shall, in anywise, affect the widow's dower, unless she shall consent to the same in her answer.

Approved February 23, 1846.

#### CHAPTER 339.

AN ACT for the benefit of the Mechanics of the town of Danville, and for other purposes.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the provisions of the act, entitled, "an act for the benefit of the mechanics of Maysville," approved the first of February, 1839, be and the same hereby is extended to the town of Danville—and the provisions of said recited act shall apply to said town of Danville in the same manner as if the same were re-enacted at length.



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SEC. 2. *Be it further enacted*, That the provisions of the act, referred to in the first section, shall be extended to the town of Flemingsburg, and the counties of Mason and Boone.

Approved February 23, 1846.

CHAPTER 340.

AN ACT vesting the Gallatin and Carroll County Courts with power to change a State road, and for other purposes.

Carroll and  
Gallatin may  
change a road.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Courts of Carroll and Gallatin shall be and they are hereby vested with full power and authority to change, or alter, so much of the State road leading from Ghent, in the county of Carroll, to New Liberty, from where said State road strikes Lick creek, and thence to Eagle creek in the county of Gallatin, as to said courts may seem to be demanded by public convenience: *Provided, however*, that said courts shall strictly observe all laws in relation to changing county roads, in any change that may be proposed or made in said road.

Trustees of  
the McChord  
church may sell  
and convey a  
lot.

SEC. 2. *Be it further enacted*, That the Trustees of the McChord Presbyterian Church, in the city of Lexington, are hereby authorized to sell and convey a house and lot owned by said congregation on main street, in said city, and intended for a parsonage, and, also, a house and lot owned by them on market street, and used as a session room, and invest the proceeds in the purchase of grounds and the erection thereon of a new church edifice.

Grant county  
may change  
a road.

SEC. 3. *Be it further enacted*, That the Grant County Court shall have the right to change the State road from Warsaw to Williamstown, so far as said road lies in Grant county, on the same terms and conditions.

SEC. 4. *Be it further enacted*, That the proceedings of the Court of Assessment, held for and within the one hundred and fourth Regiment of Kentucky Militia, in the year 1843, shall be as valid as though said court had been held on the day fixed by law.

SEC. 5. *Be it further enacted*, That the Commandant of said Regiment shall have the right to re-list with the Sheriff of Grant county, or Collector of said Regiment, the list of fines assessed at said court, who shall receive and receipt for the same; and shall have the same right to collect, and shall account for the same as other muster fines are collected and accounted for.

Approved February 23, 1846.

CHAPTER 341.

1846.

AN ACT divorcing Lindsey Lister from his wife, Margaret Lister.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Lindsey Lister be and he is hereby divorced from his wife, Margaret Lister, and is restored to all the rights and privileges of a single man.

Approved February 23, 1846.

CHAPTER 342.

AN ACT for the benefit of Jacob Cardwell's heirs.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Shelby Circuit Court be and it is hereby invested with jurisdiction to decree a sale of the eighty acres, and the undivided moiety of fifty acres, of land, of which Jacob Cardwell, deceased, died seized and possessed, lying and being in Shelby county, Kentucky, on the waters of Guest's creek, if the said court shall deem it advantageous to the heirs or creditors of said Jacob Cardwell so to do; and the said court may render such decree in the suit now pending therein, instituted by the administrator of said Cardwell against his creditors and heirs, under and by virtue of the act of Assembly, entitled, an act to regulate the administration and settlement of estates, approved, February 20, 1839: and the said court may make such order or orders in relation to the proceeds of said sale as may be deemed most conducive to the interests of all the parties concerned, whether they be heirs or creditors; and to make such final decree in relation to the proceeds of said sale as to the court may seem just and equitable.

**SEC. 2.** *And be it further enacted*, That said Court may, and it is hereby vested with jurisdiction in the suit already pending therein, as aforesaid, to determine and decree to whom said house and lot, in said bill mentioned, rightfully belongs, whether to the heirs of said Jacob Cardwell, or to the party claiming the same adversely to them. And if, upon investigation, the court shall decree the said house and lot to belong to said heirs, then to decree that the same be sold, and the proceeds distributed among the heirs, according to their respective rights therein, under the laws now in force to regulate the descents of real property, or to decree the proceeds of the sale of said house and lot to the payment of the debts of said Cardwell, if his responsibilities require it.

**SEC. 3.** *Be it further enacted*, That said court may make all orders and decrees necessary in the said suit now pending, to carry this act into full effect

Approved February 23, 1846.

1846.

## CHAPTER 343.

AN ACT providing for a change of venue in the prosecution against Joseph H. Coleman.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for Joseph H. Coleman, who stands indicted in the Adair Circuit Court on the charge of murder, on or before the calling of said indictment for trial, at the first term of the Adair Circuit Court succeeding the passage of this act, to appear in said court and elect to be tried in the Barren Circuit Court; and upon such election being made, the Adair Circuit Court shall recognize the said Coleman, by competent securities in a sufficient penalty, to be and appear in the Barren Circuit Court to answer said indictment, (provided the Judge of said court shall be of opinion he is entitled to bail, if not, it shall be the duty of said Judge to commit him to the custody of the Sheriff of Adair county, by him to be taken to the jail of Barren county, there to be lodged until his trial;) and shall also, recognize the witnesses, as well on the part of said Commonwealth as for said Coleman, if they or any of them, shall be in court, to appear in the Barren Circuit Court, to testify in said case for the Commonwealth and the accused; and the Clerk of the Adair Circuit Court shall transmit the said indictment, and all the papers in said case, together with a full and complete transcript of all the orders of said court, made in said case, to the Clerk of the Barren Circuit Court, who shall receive and file the same in said court, as a part of the records of said court; and, thereupon, the Barren Circuit Court shall have as full and ample power and jurisdiction to try said case as though it had originated in the Barren Circuit Court, and had been an indictment properly found by the grand jury of said court; and in the event that the indictment shall be quashed, or ruled bad on demurrer, or the judgment shall be arrested for any cause whatever, the said Coleman shall not be discharged therefor, but he may be again indicted by the regular grand jury of said county, if in session, or the court may order a grand jury for that purpose, if required by the prosecuting attorney; and, thereupon, said case, on such indictment found, shall be proceeded with, in all particulars, as if the offence had originated in Barren county: that the same fees and mileage shall be allowed to witnesses, for mileage and attendance, as in other cases, to be paid in the way pointed out by law.

Approved February 23, 1846.

CHAPTER 344.

1846.

AN ACT to incorporate the Lexington and Kentucky River Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed, under the name, style and title of the Lexington and Kentucky River Railroad Company, for the purpose of making and constructing a railway or railroad from the city of Lexington to such point on the Kentucky river, within the counties of Fayette, Clarke or Jessamine, as said company may hereafter determine.

Company formed, name style.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be two hundred thousand dollars, divided into 4,000 shares of \$50 each, but which may be increased by said company to any amount which said company may designate, or be deemed necessary to effectuate the object of this act, if, during the prosecution of the work, such increase of stock is deemed necessary.

Amount of stock, number and rate of shares may be increased.

SEC. 3. *Be it further enacted*, That books for the subscription of the stock of said company, (either original or additional,) shall be opened in the city of Lexington, the town of Athens, in Fayette county, and such other places in this State as a majority of Commissioners hereinafter named, who may choose to act, shall direct, on the first day of April next, and continue open from day to day for one month, and afterwards from time to time, by adjournment or otherwise, as the Commissioners, (or such of them as choose to act,) may think best, until the sum hereby authorized to be subscribed shall be taken.

Books to be opened for subscription of stock.

SEC. 4. *Be it further enacted*, That John W. Hunt, John Brand, Joseph Bruen, John G. Chiles, B. W. Dudley, Thomas Grant, Richard Pindell, Thomas H. Hunt, George Robertson, James O. Harrison, Richard Higgins, Madison C. Johnson, Robert S. Tood, Owen D. Winn, John R. Dunlap, Waller Bullock, D. C. Overton, Robert Boggs, James Shelby, Robert C. Rogers, William Rodes, John Hudson, Jacob Embury, Parker E. Todhunter, Robert Simpson, and David T. Carr, shall be and they are hereby appointed Commissioners under this act, whose duty it shall be, or a majority of them, to receive subscriptions in the following manner, to-wit: at the time of subscribing, each person, bodies politic and corporate, shall give his or their note, negotiable and payable at either of the banks located in the city of Lexington, for the sum of five dollars on each share subscribed, payable ten days after the first general meeting of the stockholders, and election of President and Directors, of which meeting at least thirty days notice shall be given, and five dollars more on each share within sixty days after such election, and ten dollars more on each share, every three months thereafter, until the whole shall be paid, unless, in the opinion of the President and Directors, a longer term should be granted, of which they shall

Names of Commissioners who are to take stock.

Terms of subscription & payment of stock.

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Subscribers in default shall receive no dividend or have any privileges and may be sued for delinquencies.

give thirty days notice in one or more of the public newspapers published in Lexington.

SEC. 5. *Be it further enacted*, That no subscriber shall have any benefit, or draw any dividend, or be entitled to any privileges in said company, while any failure exists in the payment of any instalment as it becomes due; and on failure to pay any such instalment for three months after it becomes due, or shall have been called for, said share or shares, on which there is such failure, may be forfeited to the said company with what may have been paid thereon; or if the company so elect, they may sue for and recover such instalment or instalments from such delinquent stockholder in the same manner that sums of like magnitude are or may be recoverable by law.

When \$60,000 taken, a meeting of stockholders & election of President and Directors authorized.

SEC. 6. *Be it further enacted*, That when it shall appear from the Commissioners' books that the sum of \$60,000 shall have been taken, the Commissioners shall immediately take the necessary steps to have a general meeting of the stockholders, giving at least thirty days notice in one or more of the public papers printed in Lexington, of the time and place of said meeting, for the purpose of choosing a President and six Directors of the Lexington and Kentucky River Railroad Company.

When the company is so formed, it shall be a body politic with corporate powers.

SEC. 7. *Be it further enacted*, That said company, when so formed, shall be and they are hereby created and made a corporation, and a body politic, in law and in fact, by the name, style and title of "The Lexington Railroad Company," and shall so continue, and have perpetual succession; and by that name and style are hereby made able and capable in law, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity in this Commonwealth, and elsewhere; and to make, have and use a common seal, and the same to break, alter and renew at pleasure; and also to ordain, establish and put in execution such by-laws, rules and regulations as shall appear necessary for governing the concerns of said company, not inconsistent with this act, or the constitution and laws of this State, or of the United States.

Number of votes to which stockholders will be entitled.

SEC. 8. *Be it further enacted*, That the number of votes to which each stockholder shall be entitled, shall be according to the number of shares they may hold, in proportion as follows, to-wit: For every share under five, one vote; for every two shares over four, and not exceeding ten, one vote; for every four shares over ten, and not exceeding thirty, one vote; for every six shares over thirty, and not exceeding sixty, one vote; and for every ten shares over sixty, and not exceeding one hundred, one vote; and for every twelve shares over one hundred, one vote.

President & Directors to be chosen annually.

SEC. 9. *Be it further enacted*, That the stockholders in said company shall meet annually, on the first Monday in April, for the purpose of choosing a President and six Di-

rectors to continue in office for one year, and until others shall be chosen in their place; the first President and Directors shall continue in office until the first annual meeting thereafter, and their successors duly elected, as above provided.

SEC. 10. *Be it further enacted*, That the President and Directors of said company, by themselves or agents, shall have full power to enter, with their engineers, superintendents, workmen or servants, &c., as they may find necessary, into and upon any lands in the contemplated track, or in the vicinity of the contemplated road; and to survey and lay out such track or route, as shall be deemed by them most practicable for effecting a safe and easy construction of said road, doing as little damage as possible to the grounds and enclosures; and it shall and may be lawful for the President and Directors to contract and agree with the owners of the lands, for the conveyance of so much as may be necessary for the purpose of making and perfecting said road, and of erecting and establishing all the necessary engines, works, buildings, &c., to such road belonging, if they can agree with such owners; but in case of disagreement, the said company may lay out and commence their works on such grounds as they may deem best adapted for the purposes of said railroad, and on application of either party, the Judge of the Fayette Circuit Court shall appoint six freeholders, disinterested persons, who being first sworn, are to view and assess the damages, and make return thereof to Court, which return, agreed to, and signed by four or more of them, when confirmed and entered of record by said court, shall be final, and on payment of the money, shall vest the fee simple of the land in the company.

SEC. 11. *Be it further enacted*, That it shall and may be lawful for the President and Directors, by or with their engineers, superintendents, laborers, &c., together with their wagons, carts, slides, &c., beasts of draft and burthen, and all necessary tools and instruments, to enter in and upon the lands contiguous to the line of the contemplated railroad, and to take, use, and carry away, timber, stone, gravel, earth, &c., for the purpose of making and repairing said railroad, having first made compensation for the same to the owner or owners of said land, if they can agree, if not, then by valuation, as heretofore directed.

SEC. 12. *Be it further enacted*, That, at the first general meeting of stockholders, it may, if deemed advisable, be decided by vote given, as before provided, what general route said railroad shall take to the Kentucky river; which vote shall determine the question and settle the route of the road. Said company shall be at liberty to run the line of said railroad on any public road, so as not to injure the same, and allowing sufficient room on said public road for wagons and carriages to pass each other; and having first put up a close plank fence between the two roads.

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May enter upon, survey any lands in the route and lay out the track; may contract with land owners for right of way.

Circuit Court may appoint six freeholders to assess damages, &c.

May enter upon contiguous lands and use timber, stone, gravel, earth, &c., paying therefor.

Stockholders may decide the route to Kentucky river.

Where road may be run.

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Damages for  
injuries to the  
road recovera-  
ble.

Rates of  
freight.

Burning prop-  
erty of com-  
pany made ar-  
son.

**SEC. 13.** *Be it further enacted,* That if any person or persons shall, knowingly or wilfully, do any act or thing whereby said railway, or any of its embankments, buildings, bridges, or fixtures shall be injured, he, she, or they, so committing the injury, shall forfeit and pay ten times the amount of the damage sustained by said company, to be recovered by suit, in any court having jurisdiction of the amount sued for. The tolls or freights which said company shall be allowed to receive, shall not exceed the rate of eight cents for the carriage of every hundred pounds of pound freight the distance of 20 miles; for each 1,000 feet of lumber or plank, the sum of one dollar and fifty cents; for each 112 lbs. stone coal, the sum of six cents; for each barrel of salt, at the rate of six cents per 100 lbs.; for each ton of iron, (of 2,240 lbs.) one dollar; and thirty cents for each cord of wood; and for all other articles in the same proportion, for a greater weight or distance, to be diminished, from time to time, as the President and Directors of said company may think advisable, and to be increased proportionably on each article transported, should it be necessary to do so, in order to raise six per centum per annum on the stock of said company, after paying expenses and repairs.

**SEC. 14.** *Be it further enacted,* That if any person or persons shall wilfully set fire to, and burn any of the engines, or engine houses, bridges, or any apparatus belonging to said company, or any part of the same, each and every person so offending, shall, with their counsellors, aiders, and abettors, be guilty of arson; and, on conviction, shall be subject, if a free person, to confinement in the jail and penitentiary of this Commonwealth, not less than one, nor more than five years, to be ascertained by a jury in their verdict, and if a slave, shall suffer death by hanging.

Approved February 23, 1846.

#### CHAPTER 345.

AN ACT for the benefit of Richard A. Price, Collector of the 25th Regiment, and for other purposes.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Richard A. Price, Collector of the 25th Regiment of Kentucky Militia, be and he is hereby released from all liability for failing to return his delinquent list of muster fines to the last annual Court of Assessment for said 25th Regiment, and that he be and is hereby allowed the further time, until the 1st Monday in November next, to make and return said delinquent list: *Provided,* he pay over to the Regimental Paymaster the amount of money received by him, of the list of fines placed in his hands for collection.

**SEC. 2.** *Be it further enacted,* That the Sheriff of Bourbon county shall have, and is hereby allowed, the further time of

six months to return his delinquent list to the 14th Regiment of Kentucky Militia.

1846.

Approved February 24, 1846.

CHAPTER 346.

AN ACT to revive and amend an act, entitled, an act to incorporate a Turnpike Road from Lancaster to Crab Orchard.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act, entitled, an act to incorporate a turnpike road from Lancaster to Crab Orchard, approved February the 28th, 1835, be and the same is hereby revived, for and during the period and term of five years.

SEC. 2. That in place of the Commissioners named in the act to which this is an amendment, the following persons are hereby appointed to perform the duties required by said act, to-wit: Thomas K. Salter, Abner Baker, James H. Yantis, Walter C. Bailey, and David Anderson, of the county of Garrard; Thomas Buford, Archibald Shanks, Robert Graham, Hiram Roberts, and John Owsley, of the county of Lincoln.

SEC. 3. The capital stock of said company shall be sixty thousand dollars instead of forty thousand dollars, as provided for by said act: *Provided*, that nothing in said revived act shall be construed to make the State liable for any subscription of stock in said company, nor require any such subscription on the part of the State.

Approved February 23, 1846.

CHAPTER 347.

AN ACT to authorize the Trustees of the town of Port Royal to change an alley.

WHEREAS, it is desired by the citizens of the town of Port Royal, and particularly those living adjacent thereto, that a change be effected in the survey and plat of said town. Therefore:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Trustees of the town of Port Royal be and they are hereby authorized (all parties consenting thereto,) to change the location of alley number two, lying between lots number six and seven, and place the same between lots numbers five and six, on the original plat of said town.

SEC. 2. That in order to effect said change, the Trustees of said town are authorized, on behalf of said town, to make a deed of conveyance to said original alley, upon receiving a conveyance to them of the new alley proposed to be opened in its stead.

Approved February 23, 1846.



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## CHAPTER 348.

AN ACT to incorporate the town of Burksville, and for other purposes.

Citizens to  
elect Trustees  
annually.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the free white male inhabitants of the town of Burksville, in Cumberland county, the limits of which shall hereafter be one half mile in every direction, the river being the limits east of the court house in said town. The free white male citizens of said town, who have attained the age of twenty one years, shall, on the first Monday in May, 1846, and on the same day in every year thereafter, meet at some convenient place in said town, and elect five Trustees for said town, who shall hold their office for one year, or until their successors are duly elected and qualified. The first election shall be conducted by, and under the direction of, M. L. Stoner, or some other Justice of the Peace for said county, who shall act as Judge therein; and said Trustees shall take an oath, before some Justice of the Peace for said county, truly and faithfully to perform the duties enjoined on them by law as Trustees.

Trustees &  
successors in-  
corporated:—  
powers.

SEC. 2. That said Trustees, and their successors, shall be a body corporate, and by the name and style of the Trustees of the town of Burksville, may sue and be sued, plead and be impleaded, in any court of law or equity of this Commonwealth. They shall have power to pass all necessary ordinances and by-laws for the improvement, regulation and advancement of the interests and morals of said town, not inconsistent with the constitution of the United States, or the constitution and laws of this State.

May receive  
conveyances of  
lots for public  
houses—assess  
taxes, &c.

SEC. 3. That said Trustees shall have power to receive a conveyance by donation, or purchase any lot or lots of ground in and near said town, for the purpose of the erection of a meeting house, or any other necessary or needful public buildings; and may order, provide for, and contract for their erection. They shall have power to assess a poll tax on the tythables of said town, not to exceed one dollar a head, and levy an ad valorem tax on the real and personal property within said town, now taxed by the revenue laws of this Commonwealth, not to exceed ten cents on each one hundred dollars worth of property. They shall have power to contract for the sinking of wells, the improvement of springs, the grading and improvement of streets and alleys, and the paving of side walks of said town. They shall have power to levy and collect from the owner or managers of all exhibitions of animals, or shows of all and every description, that shall be exhibited within the limits of said town, any amount that shall be ordered by the Board of Trustees, not to exceed the sum of twenty dollars; and shall have power to pass by-laws to prevent racing or running horses within the limits of said town, or to prevent any person or persons from leading, or riding, or hitching their horses on the side walks, and the suppression of all other disorderly conduct or practice within the same.

1846.

Extent of jurisdiction.

SEC. 4. That the Trustees of the town of Burksville shall have jurisdiction for one half mile, in all directions, over all shows and showmen of every description, pedlers and auctioneers, and all exhibitions and performances where money is charged for admittance to a sight thereof, under such penalties as they may choose to impose; and it shall be the duty of all Justices of the Peace in Cumberland county to take jurisdiction of all offences against the provisions of this act, or against the laws and ordinances of the Board of Trustees, made by authority thereof, and to render judgment and award execution thereon; and all fines and penalties imposed by this act, or by the by-laws and ordinances of the Board of Trustees, shall be recoverable in the name of the Trustees of the town of Burksville, and shall be applied by them in such manner as they deem of most importance to the general welfare of the citizens and the improvement of the town.

SEC. 5. That the said Trustees shall appoint one of their own body as President, who shall sign the record and proceedings of each meeting; who shall have power to call meetings of the board at any time, preside over the meetings, keep order, &c. It shall require a majority of said board to do business. All fines and forfeitures that shall be recovered, and taxes which may be assessed and collected, by said Trustees, shall be by them appropriated to the purchases and improvements before directed.

President of board.

SEC. 6. The said Trustees shall elect a Clerk, who shall continue in office one year, and until another is duly appointed; whose duty it shall be to preserve and safely keep all papers belonging to, or filed with, said board; and shall attend the meetings of said board, and record all their proceedings, in a book to be procured by said board for that purpose; and shall copy and certify all records and ordinances that may be necessary, and to record a map of said town, if the Trustees require it, in said book, when made out and furnished.

Clerk: his duties.

SEC. 7. The said Trustees shall appoint an Assessor, to assess the property and persons within said town, liable to taxation; and upon the performance thereof, said Trustees shall fix and direct the payment of his compensation.

Assessor: his duties.

SEC. 8. Said board shall have power and authority to appoint a Collector, who shall have power and authority to collect, by distress or otherwise, the tax levied upon persons and property in said town, as before directed.

Collector:—his powers.

SEC. 9. That said Collector shall, before he proceeds to perform the duties prescribed in the eighth section of this act, execute bond before the said Trustees, in such penalty as the board shall direct, with sufficient security, to be approved of by them, payable to said Trustees, conditioned for the faithful collection of said tax, and the payment of the same over to said Trustees, or to such person or persons as they shall direct; and for a breach of the condition of such bond, said Trustees shall have power and authority to move against said Collect-

Collector to give bond, &amp;c.

1846.

or, either by suit on said bond, or motion in the Cumberland Circuit Court; and by a judgment of said court, recover against said Collector, and his securities, any amount of money that may be found due from him, with twenty per centum thereon, and shall have execution therefor against them; and the Clerk of said court shall endorse thereon that no security of any kind shall be taken.

Treasurer—  
duties—to give  
bond, &c.

Sec. 10. That said board shall have power to appoint a Treasurer, who shall keep the funds of said board safe, and pay the same over by order of said board, or the President thereof, to such person or persons as he shall be directed; and said board may require bond and security of said Treasurer, conditioned as aforesaid; and for a breach of such bond shall be subject to the same proceedings and to the same penalties that are prescribed in the ninth section of this act against delinquent collectors.

Governor to  
appoint Police  
Judge: his  
tenure, du-  
ties, jurisdic-  
tion, &c.

Sec. 11. That it shall be the duty of the Governor, by and with the advice and consent of the Senate, to appoint a judicial officer, to be styled the Police Judge of the town of Burksville, who shall be commissioned as such, during good behaviour; and who shall, before he enters upon the duties of his office, take an oath before some Justice of the Peace, faithfully and impartially to discharge the duties of his office to the best of his skill and ability, without favor, affection or partiality—together with such other oaths as are usually required to be taken by judicial officers. The said Police Judge shall have jurisdiction, within the limits of said town, of all causes, civil and criminal, in which Justices of the Peace have jurisdiction; he may sit as a court of enquiry in criminal cases, in which he shall have the jurisdiction now given by law to two Justices of the Peace, and shall proceed in like manner as two Justices of the Peace are required to proceed in criminal cases; he shall have jurisdiction of all offences under the by-laws of said town, and shall have power to enter judgment and award execution accordingly; he shall have full power and authority to grant injunctions, restraining orders, *writs of ne exeat* and *habeas corpus*, under the same rules and regulations prescribed by the several acts authorizing certain Justices of the County Courts to grant injunctions, *writs of ne exeat* and *habeas corpus*; and it shall be the duty of said Judge to keep a record of his proceedings, a copy of which shall be evidence, and shall have the same effect as records of Justices of the Peace; he shall have power to issue summonses for witnesses, to give evidence in cases pending before him, to compel their appearance; he shall have power to issue compulsory process; he shall have power to fine for contempt, not exceeding ten dollars in any case; he shall have power to order the Assessor or Marshal to summon a jury, in any case cognizable before him, where a jury would be required before a court or Justice of the Peace; he shall have power to take and certify depositions to be read as evi-

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dence in any case pending in any court in this Commonwealth; he shall be entitled to the same fees that are now allowed by law to officers for the same services, to be paid in advance or collected as other fees; and in every case in which an injunction, *ne exeat*, or restraining order, shall be granted, the fees shall be charged in the bill of costs against the defendant, unless such injunction, *ne exeat*, or restraining order, shall have been discharged. For a peace warrant, or warrants for riot, rout, or unlawful assembly, or breach of the peace, forty cents; for issuing a warrant for a violation of the by-laws of said town, or in any case where the Trustees are plaintiffs, twenty five cents; for swearing a jury, presiding over the trial in any case, except forcible entry and detainer, thirty cents; for taking a recognizance to keep the peace, the same fees as are now allowed by law, to be charged to the applicant and collected as other fees are now collected by law. That upon all judgments rendered by said Police Judge, each party shall have the right to appeal from such judgment, in the same manner that appeals are taken from judgments of Justices of the Peace in similar cases.

Sec. 12. That in case of a failure to hold the annual elections for Trustees on the day specified in this act, the corporation shall not be dissolved on that account. The Trustees, for the time being, shall continue in office until their successors shall be duly elected. It shall be lawful, where, from any cause, the election was not held on the day specified, to hold an election for the election of a Chairman and Trustees at any time within sixty days after the day for the annual election; and the chairman and Trustees, so elected, shall hold their offices until the next regular annual election. All acts, or parts of acts, concerning the town of Burksville, coming within the purview of this act, shall be and the same are hereby repealed; and this act shall be in force from and after the election of the Board of Trustees and appointment of a Police Judge under its provisions.

Trustees shall continue in office until their successors are elected.

Repealing clause.

Sec. 13. *Be it further enacted*, That the Trustees of the town of Eddyville, in Caldwell county, shall have power to raise a sum not exceeding five hundred dollars per annum, by assessing a tax on the property, real and personal, belonging to or situated within the limits of said town; which sum, when collected, shall be appropriated for the use and benefit of said town, under the discretion of the Trustees.

Trustees Eddyville may assess a tax for benefit of said town.

Sec. 14. That if any person or persons, non-residents of this State, shall fail, for the term of two years, to pay the tax on any lot or lots which he, she or they may own or claim title to in said town, it shall be lawful for the Trustees of said town to cause such lots to be advertised, in two established newspapers of this Commonwealth for the term of three months, and upon such person or persons still failing to pay the tax due on said lot or lots, it shall be lawful for the Trustees of said town to file a bill in chancery, in the Caldwell-

Trustees may sell lots for taxes.

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Circuit Court, and obtain a decree for the sale of said lot or lots, or so much thereof as will pay off the tax due thereon; and at such sale, it shall be lawful for the Trustees of said town to purchase in, for the use and benefit thereof, any lot or lots so sold; and said lot or lots shall be redeemable, by the owner or owners paying to the purchaser or purchasers the purchase money, together with all costs arising in said suit, necessary to procure the same to be sold, together with ten per cent. on the whole amount.

Approved February 23, 1846.

#### CHAPTER 349.

AN ACT to incorporate the South Frankfort Bridge Company.

Corporators  
and style of  
corporation.

With perpet-  
ual succession.

Powers.

May borrow  
money, &c.

Amount of  
stock: number  
and rate of  
shares.

Books to be  
opened.

*Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That James Shannon, John Baltzell, James Burnes, Thomas S. Theobald, Richard Knott, Henry Wingate, and O. G. Cates, be and they are hereby created a body corporate and politic, by the name and style of "The South Frankfort Bridge Company," for the purpose of erecting and constructing a permanent bridge across the Kentucky river, from the town of Frankfort to the town of South Frankfort, at or near the end of Ann street, to the opposite bank of said river; and they, and those who become stockholders, as hereinafter provided, and their successors, shall continue and have perpetual succession, and by that name and style are hereby made capable in law as natural persons, to contract and be contracted with, to sue and be sued, to plead and be impleaded in this Commonwealth, and elsewhere, in all courts of law or equity: and to make, have and use a common seal, and the same to break, alter or amend, at pleasure. They shall also have the power to purchase and hold as much real estate as will be needed for the site of said bridge, or the sites of the abutments, piers, toll houses, and suitable avenues leading to the same. They shall have the right to borrow money, not exceeding the capital stock hereinafter named; but not to have or exercise the privilege of loaning money or issuing bills or notes on banking principles. They shall have power to establish such by-laws, ordinances and regulations as shall be necessary for the good government of said corporation, not inconsistent with the laws and constitution of this State or the United States.

*Sec. 2.* The capital stock of said company shall consist of four hundred shares, of one hundred dollars each, to be subscribed for or sold in the manner hereinafter named. And the persons named as aforesaid, or a majority of them, shall cause a public advertisement to be made of the time and place of opening books for the subscription of stock; which books shall be kept open until at least one hundred shares are subscribed. And when one hundred shares are subscribed, the

said persons, or a majority of them, shall advertise a meeting of the shareholders; and they shall, thereupon, proceed to the election of five Directors: and said Directors shall elect one of their body as President: and the said President and Directors shall fix what compensation the said President and such other officers and agents (as they may appoint,) shall be entitled to receive. At the election of Directors, each shareholder shall be entitled to vote for each share he may own, one vote to the number of five shares; and one vote for every three shares over five, and not exceeding fifteen; and one vote for every six shares over fifteen; the said shares may be voted by written proxies. The said Directors, thus chosen, shall continue in office until the first Monday in June ensuing the election thereof, and until others are chosen. And on the first Monday in June, in each year, the shareholders shall meet in person, or by proxy, at their office, and elect Directors for the ensuing year, and they elect a President as aforesaid. At such annual meeting, a full and fair statement of the affairs of the company shall be made out and presented to the meeting, and such dividends of the profits declared, as may be deemed advisable.

**SEC. 3.** The entire business and management of the corporation, shall be under the control of said Board of President and Directors, or a majority of them; and they shall make such calls on the shareholders, payable at such periods and places as they may deem proper, with such conditions of forfeiture for non-compliance, (not exceeding the amount of stock delinquent,) as they may deem right and proper. The said persons first named, or a majority of them, or the said Directors, or a majority of them, may, from time to time, open books or receive subscriptions of stock, until the whole amount thereof is subscribed, if it shall by them be deemed necessary to complete said bridge. The said Board may appoint a Clerk, Treasurer, and such other officers and agents as they may deem needful, and allow them such compensation as they may deem proper; and make such rules and regulations as they may deem proper, in order to enforce a faithful discharge of duty. The said Board may make contracts with any person or corporation, touching the business or affairs of said company, and do all things needful for the erection and completion of said bridge. They may require and take such bond or other security, in their corporate name, from any person or persons they may so appoint or contract with, and in the event of the death, resignation or vacancy of a Director or President, said Board may supply the vacancy.

**SEC. 4.** The said Board shall have the power to purchase and receive the conveyance of a site for said bridge, abutments, and piers, and if they shall deem it advisable, one acre of land or less, at each end of said bridge, over and above what is authorized by the first section.

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Organization.

Votes stockholders.

President & Directors to be elected annually, and rep't to be made.

Entire management confided to Pres't and Directors.

Appoint of officers and ag'ts

Further powers.

May purchase and receive conveyance of sites.

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How bridge  
to be erected.

SEC. 5. The said company, in the erection of their bridge and piers, shall build the same so as to permit steam vessels, and all other boats and crafts, navigating said river to pass the same; and no pier or pillar shall be built in the middle of the river or channel; and there shall be left unobstructed by any pier or pillar, a distance of at least eighty feet over the channel of the river at its usual stage of water.

Rates of toll  
to be posted up  
and gates may  
be kept at ei-  
ther end.

SEC. 6. When said bridge is erected, and complete so the same may be safely crossed, the said Board shall have power to demand and receive the following rate of tolls, to-wit: for a footman, five cents; for every man and horse, ten cents; for each horse, mule, jack, jenny, five cents; for each single horse carriage, fifteen cents; for each two horse carriage, twenty cents; for each two horse wagon, twenty five cents; for each four horse wagon, thirty cents; for each wagon with more than four horses, forty cents; for two wheel carriage, fifteen cents; for each head of neat cattle, three cents; for each head of hogs, goats or sheep, two cents; for each sled or sleigh, fifteen cents; for any other property in like proportion. Toll gates may be kept at either end of the bridge; and the rate of tolls shall be posted up at some conspicuous place, where the toll is demanded.

Damages re-  
coverable for  
injuries done  
to bridge, &c.

SEC. 7. If any person or persons shall wilfully do any act or thing whatever, whereby the said bridge or any part thereof, or any thing attached thereto, is injured or damaged, the said person or persons so offending, shall each forfeit and pay three times the amount of the damage thus done or sustained, with costs of suit, recoverable before any court of competent jurisdiction, by suit in the name of said company; and shall, likewise, be subject to fine or imprisonment, upon an indictment of a grand jury, in any sum or number of days, in the discretion of a petit jury: and if any person shall pass, or attempt to pass said bridge without paying the toll (if there be any person present to receive the same,) he or she shall forfeit and pay three times the amount of the toll, recoverable before any Justice of the Peace or Police Judge. And if any person or persons shall wilfully set fire to said bridge or any part thereof, or cause the same to be burned, in whole or in part, such person or persons so offending, and his, her, or their aiders or abettors, shall be held and deemed guilty of arson, and punished accordingly.

Company to  
contract for  
passing the cit-  
izens Franklin  
county, &c.

SEC. 8. The said Board have power to make any contract, compact, or treaty with the County Court of Franklin county, or with the Trustees of the town of Frankfort or South Frankfort, as to the terms and conditions the citizens of said County and towns, or their property, may pass over said bridge: and the said County Court and Trustees of said towns, shall have power to advance money to said company, on loan or otherwise, or subscribe and pay for stock in said company, as they or either of them may deem proper: and persons or bodies corporate or otherwise, shall receive certificates of

stock subscribed and paid for by them respectively, which certificates may be transferred in such manner as said Board may direct.

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SEC. 9. If the owners of any land necessary for the abutments, the site, or any road leading thereto, so as to connect the bridge with the streets of said towns or roads, on either side of said river, shall object to sell said land at such price as the Board may think reasonable, it shall be lawful for said Board to apply to the Franklin County Court for a writ of *ad quod damnum* to issue, and which may issue directed to the Sheriff of said county, requiring him to summon a jury of free-holders of the county, who shall be disinterested; and said Sheriff shall have power to supply, by summons, other persons to act as jurors, if needed, qualified as aforesaid. The said jurors to be sworn by said Sheriff, "well and truly to enquire the value of the land to be condemned and the damage thereby resulting to the owner thereof, according to the facts and evidences submitted to them by the parties." The verdict of the jury, when rendered, signed, and sealed by said jury, shall be forthwith returned to said County Court; and if no legal or valid exception be taken thereto, the same shall be entered of record by the said court; and if at any time within one year thereafter, the amount so assessed shall be paid, the title to the land applied for and thus condemned, shall vest in said company, and the court shall cause a conveyance thereof to be made by their Clerk or otherwise; which deed, thus made and approved by the court, shall pass the legal title.

May sue out writs of *ad quod damnum* and condemn sites for abutments, &c.

SEC. 10. The State may, at any time after fifteen years, be at liberty to purchase the said bridge, by paying the original cost thereof, and six per cent. interest thereon, or may at any time subscribe for or hold stock in said company.

When State buy bridge.

Approved February 23, 1846.

#### CHAPTER 350.

AN ACT divorcing Susan Garnett from her husband, James H. Garnett, and changing her name.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Susan Garnett be and she is hereby divorced from her husband, James H. Garnett; that she is restored to all the rights and privileges of a single woman, and her name is changed to that of Susan Berry, her maiden name.

Approved February 23, 1846.



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## CHAPTER 352.

AN ACT for the benefit of Alexander M. Rigg.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Alexander M. Rigg be and he is hereby authorized and permitted to change the location of his warehouse, heretofore established at the town of Marion, on the Kentucky river, by removing the same about three hundred and fifty yards further up the river; and when removed, the same shall be and is hereby established as a warehouse for the storing and inspection of tobacco, and all other articles usually stored and inspected in this State.

Approved February 23, 1846.

## CHAPTER 353.

AN ACT to amend, in part and repeal in part, an act, entitled, an act to amend the laws incorporating the town of Hickman, in Fulton county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the fourth section of an act, entitled, an act to amend the laws incorporating the town of Hickman, approved February 18, 1841, be and the same is hereby repealed.

SEC. 2. That, hereafter, any free white male over the age of twenty one years, who has resided in said town one year next preceding any election held in said town for Trustees, shall be eligible to the office of Trustee of said town.

Approved February 23, 1846.

## CHAPTER 355.

AN ACT to amend an act, entitled, "an act for the benefit of Eliza A. Roman," approved February 13th, 1844.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the act, entitled, "an act for the benefit of Eliza A. Roman," approved February 13th, 1844, be and the same hereby is amended as follows: *First*—that William Clarke, of Jessamine county, is constituted Trustee in the place of William Roman, who has departed this life. *Second*—that said Clarke be required to execute bond, as prescribed in said act, and the same be lodged in the Clerk's office of Jessamine County Court.

Approved February 23, 1846.

CHAPTER 356.

1846.

AN ACT divorcing Catharine Smith, and changing her name.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Catharine Smith be and she is hereby divorced from her husband, Samuel Smith; and that she be restored to the name of Catharine Rice.

Approved February 23, 1846.

CHAPTER 358.

AN ACT to amend the charter of the Danville and Hustonville Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the second section of an act, entitled, "an act to incorporate the Danville and Hustonville Turnpike Road Company," approved March 1st, 1844, fixing the amount of capital stock of said company at fifty thousand dollars, be and the same is hereby repealed, and in lieu thereof the capital stock of said company shall be fifteen thousand dollars.

SEC. 2. *Be it further enacted,* That the fourth section of said recited act be so modified as to allow the Commissioners, appointed by said act, to call a meeting of the stockholders whenever the sum of fifteen thousand dollars shall be subscribed in conformity with said act.

Approved February 23, 1846.

CHAPTER 359.

AN ACT providing for a State road from Adairsville, in Logan county, to Bowlinggreen, in Warren county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Win Gunn, Adam Winlock, and Thompson Hardin, of the county of Logan, and Henry Shanks and James T. Briggs, of the county of Warren, be and they are hereby appointed Commissioners to view and mark the best, nearest and most practicable route for a State road from Adairsville, in Logan county, to Bowlinggreen, in Warren county, who, or a majority of them, shall proceed to view and mark the route for said road, and give notice thereof to those over whose lands the proposed road will run: *Provided,* they reside thereon or may be known to said viewers; and, if desired by said owners, that they estimate the damages he, she or they will sustain by the establishment of said road; and shall report their proceedings to the County Courts of Logan and Warren.

SEC. 2. That if any proprietor of land, over which the road may be established, shall fail to require an assessment of damages by the Commissioners, and shall apply to the County

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Court of the county in which the land may lie, the said court shall make an order for the assessment of damages by a jury, who shall be governed by the general law regulating proceedings of the same kind under writs of *ad quod damnum*.

SEC. 3. That if the County Courts of Warren and Logan counties shall agree to pay the damages which may be assessed in their respective counties, they shall proceed to lay off said road into convenient sections, or precincts, within their respective counties, and appoint overseers and a sufficient number of hands to open and keep said road in repair, twenty five feet in width.

SEC. 4. That said Commissioners shall, before they proceed to the duties assigned them by the provisions of this act, take an oath before some Justice of the Peace to perform, faithfully and impartially, the duties assigned them under this act; and said Commissioners shall each be entitled to one dollar and fifty cents per day, while engaged in the duties aforesaid, to be paid by the respective counties in which they reside.

Approved February 23, 1846.

#### CHAPTER 360.

AN ACT to incorporate the Fourth Baptist Church of Louisville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James Pickett, L. McDougal, and W. C. Buck, and their successors in office, be and they are hereby created a body corporate and politic, by the name and style of the Fourth Baptist Church of the city of Louisville, and by that name to have perpetual succession, with all the powers incident to corporations, for the purpose of suing and being sued, pleading and being impleaded, so far as may be necessary to protect the rights, title, property, privileges, possessions, and immunities, of said church, which now does, or may hereafter belong to the same.

SEC. 2. That whenever vacancies may occur with said Trustees, it shall and may be lawful for them to be filled, pursuant to the discipline and rules of said church. And the General Assembly of this Commonwealth hereby reserves the right to amend or repeal this act at pleasure.

Approved February 23, 1846.

#### CHAPTER 361.

AN ACT to amend an act, entitled, an act to establish a State road through Grayson county to Bowlinggreen.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Meade be and are hereby authorized to appoint four commissioners, any three of whom may mark out an alteration in said road, under whose

direction said alteration shall be made as follows, to-wit: beginning at the forks of the road to the end of Peter A. Edmondson's line; thence to intersect the same road where Joel Pusey's line crosses the same.

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Approved February 23, 1846.

## CHAPTER 362.

AN ACT to extend the limits of the town of Stanford.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That after the first day of April next, the limits of the town of Stanford, in Lincoln county, shall extend one third of a mile each way from the court house in said town; and the police of said town shall have jurisdiction within the limits of said town as extended by this act.

Approved February 23, 1846.

## CHAPTER 363.

AN ACT for the benefit of Lois Smallwood.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Auditor of Public Accounts issue to Lois Smallwood, committee for Eunice Smith, his warrant on the Treasury for the sum of fifty dollars, in consideration of the services rendered, and expenses incurred by said Smallwood in lodging, boarding and taking care of said Eunice Smith, from the 27th day of September, 1844, to the 27th day of September, 1845, and that the Treasurer pay the same out of any money in the treasury not otherwise appropriated.

Approved February 23, 1846.

## CHAPTER 364.

AN ACT for the benefit of the Sheriff of Montgomery county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Sheriff of Montgomery county shall have until the first Monday in November next, to make out and return his delinquent list of muster fines placed in his hands for collection, for the years 1844-5; which, when made out and properly certified, shall be received as though the same had been made out and returned in due time and according to law.

Approved February 23, 1846.

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## CHAPTER 365.

AN ACT to change the place of voting in a Precinct in Bath county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the place of voting in the Morgan precinct, in Bath county, shall be and is hereby changed to the house of Richard Lynam's, in said county.

SEC. 2. *Be it further enacted,* That there shall be and is hereby allowed to the county of Bath one additional Constable.

Approved February 23, 1846.

## CHAPTER 366.

AN ACT divorcing Rhoda Ames from her husband, David S. Ames, and Mary Moore from her husband, Wm. C. Moore.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Rhoda Ames be and she is hereby divorced from David S. Ames; and her name is changed to her maiden name.

SEC. 2. That Mary Moore be and she is hereby divorced from her husband William C. Moore, and that she be restored to her maiden name of Mary Taylor.

Approved February 23, 1846.

## CHAPTER 367.

AN ACT to amend and revive an act, entitled, an act to incorporate the Bath Seminary, and for other purposes.

Incorporated  
and corporate  
powers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an act, entitled, an act to regulate the Bath Seminary, in Bath county, approved December 14th, 1821, be and the same is hereby amended; and the said Seminary is created a body politic and corporate, under the name and style of the Bath Seminary, for the education of the children of said county, with perpetual succession; and in that name may sue and be sued, plead and be impleaded, and to acquire by gift, purchase, or otherwise, estate real, personal, and mixed, and the same to hold, demise, sell and convey, and to do all else that may be necessary or proper for sustaining said Seminary.

Capital stock  
and Commis-  
sioners.

SEC. 2. That the capital stock of said corporation shall be three thousand dollars, to be divided into shares of twenty five dollars each. For obtaining subscriptions of which, books shall be opened at some one or more places in or out of said county, by James Sudduth, John A. Turner, Sr., William M. Ragland, James M. Nesbitt, John W. Barnes, George Lansdown, William M. Sudduth, and Francis W. Allen, or either of them, and kept open until stock shall have been subscribed

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to the amount of one thousand dollars; when the stockholders, voting by shares, either in person or by proxy, shall, after ten days notice, in writing, of the time and place thereof, proceed to elect among themselves a President and six Directors, a majority of whom may act, who shall conduct and control the funds, property and affairs of said corporation.

SEC. 3. That after the first election, as aforesaid, the President and Directors shall be elected annually, on the second Monday in January; which elections shall be held at such places as the by-laws of the corporation may prescribe; and said President and Directors shall continue in office until their successors are elected.

President and Directors when to be elected.

SEC. 4. That said President and Directors may appoint a Treasurer, Clerk, and other subordinate officers, fix their compensation, define their powers, and prescribe their duties; and require of them bonds, in such penalties, and with such conditions, as they shall deem necessary; and the said officers remove at pleasure; from time to time make such by-laws, rules and regulations for their own government, and for the management and superintendence of said Seminary, and all matters appertaining thereto, which they may judge expedient, not inconsistent with this charter.

Officers to be elected and their duties.

SEC. 5. That said corporation shall not be required to procure a common seal; but all its corporate acts may be performed under the official signature of the President, as such.

Need not procure a common seal.

SEC. 6. That said President and Directors may fill any vacancies which may occur amongst them; and shall keep a faithful record of their proceedings.

May fill vacancy and keep a record.

SEC. 7. That all the estate, real, personal and mixed, which may be in the hands and possession, or under the control of any person or persons whatever as the Trustees of the Bath Seminary, shall be paid over to the persons, or a majority of the persons named in the third section of this act, who shall have the entire management and control of said estate, to be held and may be subscribed by them as stock in said corporation, to the amount of the value of such estate, in shares of twenty five dollars each. The dividends arising from said stock shall be appropriated for the benefit of said Seminary, under the direction of the President and Directors thereof; and the persons named in the third section of this act, or a majority of them, are authorized to sell and convey any or all of the real estate now belonging to said Bath Seminary, and subscribe the proceeds of such sale as stock, under the provisions of this act.

Property in hands of Trustees to be paid over to President and Directors.

SEC. 8. That all the provisions of an act, entitled, "an act to regulate the Bath Seminary, in Bath county," which do not come in conflict with this act, are revived and re-enacted; but all the provisions in said act which come within the purview of this act, are repealed.

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Trustees of  
Frankfort to  
apply for and  
receive cer-  
tain sums.

SEC. 9. *Be it further enacted*, That it shall be lawful for the Board of Trustees of the town of Frankfort to collect and receive from the Treasurer, or holder of any money, property or evidences of debt, belonging to the late Kentucky Seminary; and said Board of Trustees shall invest the amount in a building for a Seminary in the town of Frankfort.

Approved February 23, 1846.

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CHAPTER 369.

AN ACT act divorcing Rachel Hoskins from her husband, Davis Hoskins.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Rachel Hoskins be and she is hereby divorced from her husband, Davis Hoskins: and she is restored to all the rights and privileges of a single woman.

Approved February 23, 1846.

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CHAPTER 370.

AN ACT for the benefit of Sally Gustin.

Preamble.

WHEREAS, it is represented that David Gustin was found to be a lunatic by the Lawrence Circuit Court, in the year 1840, and that Sally Gustin, his mother, being unwilling that he should be sent to the hospital, though she is very poor and old, has taken care of him until the present time, without having received any compensation for so doing since the 1st January, 1843. Therefore:

\$20 per annum.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of twenty dollars a year, from the commencement of the year 1843, be appropriated to said Sally Gustin for the maintenance of said lunatic, and that said lunatic shall be allowed twenty dollars a year as long as he lives and continues in his present situation: *Provided*, that before any order is issued for the payment of said amounts, the certificate of the Clerk of the Lawrence Circuit Court shall be produced showing that said David Gustin was found a lunatic and is still alive; and for the future payments for the support of said lunatic, proof shall, from time to time be made in open court, and duly certified, that he is alive and in the same condition, before any order shall be issued on the Treasury for his benefit.

Proviso.

Approved February 23, 1846.

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CHAPTER 372.

AN ACT for the benefit of Benjamin Haydon and John Fleming.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Second Auditor of Public Ac-

counts be and he is hereby directed to issue his warrant on the Treasury in favor of Benjamin Haydon and John Fleming for the sum of seventy dollars, which shall be paid out of any money in the Treasury not otherwise appropriated.

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Approved February 23, 1846.

CHAPTER 373.

AN ACT for the benefit of S. J. Poston, late Sheriff of Hardin county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That S. J. Poston, late Sheriff of Hardin county, be authorized to return to the officers of the third regiment of Kentucky militia his delinquent list of fines heretofore listed with him for collection; and the officers of said regiment are authorized and required to re-list the same with his successor in office.

Approved February 23, 1846.

CHAPTER 374.

AN ACT for the benefit of Harriet Stroude, and the heirs of Edward Stroude.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Second Auditor or Sergeant of the General Court, in settling the balance of the revenue for the year 1839, due from Asa Vanlandingham, late Sheriff of Grant county and his sureties, shall charge only six per cent. interest per annum, instead of eighteen per centum according to the judgments as rendered.

Approved February 23, 1846.

CHAPTER 375.

AN ACT for the benefit of Mary Flint, of Oldham county.

**WHEREAS**, it is represented to this General Assembly, that Mrs. Mary Flint, of Oldham county, is a poor widow and that she has an idiot daughter named Nancy, whom it is represented the said Mary is wholly unable to support, owing to her indigent circumstances; and it is also represented that doubts are entertained by the Oldham County Court whether it has the power to levy a tax on the citizens of said county for the support of said Nancy. Therefore:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the Justices of the Oldham County Court, at their Court of Claims, to include in the county levy, hereafter to be laid, such sum as may be necessary for the support of said idiot, not exceeding the sum of forty dollars per annum.

Approved February 23, 1846.



1846.

## CHAPTER 376.

AN ACT to incorporate the Blue Lick Hotel and Water Company.

WHEREAS, experience has shown that the mineral waters at the Lower Blue Licks, in Nicholas county, are valuable conservatives and restoratives of health: and, whereas, it is represented to the Legislature of Kentucky, that for the want of sufficiently extensive accommodations, large numbers of invalids, citizens of Kentucky, and the west and south, seeking an asylum during the sickly season, are prevented from the full enjoyment of those waters, and are consequently forced to seek other quarters, in other States, to the manifest prejudice of Kentucky interest, capital and social connexion. For remedy whereof:

Style of the Company. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company shall be formed by the name and style of the "Blue Lick Hotel and Water Company."

Object. SEC. 2. That the object of said company shall be the erection of such buildings, making such improvements, and procuring such accommodation, as may be necessary for the promotion and preservation of the health, comfort and amusement of the travellers and visitors to said waters.

Capital stock. SEC. 3. That the capital stock of said company shall be one hundred thousand dollars, to be divided into one thousand shares of one hundred dollars each.

Corporate powers. SEC. 4. That the subscribers for the stock of said company shall be a body corporate, with perpetual succession, to have all the privileges and franchises incident to a corporation for a special purpose; and shall be capable of holding their capital stock, and the increase and profits thereof, and enlarging the same, from time to time, in such manner and form as they shall think proper, (if such enlargement shall be necessary to carry out and fulfil the object and intent of this act); and of purchasing and holding to them and their successors and assigns forever, and of selling and conveying, in fee simple, and to rent or lease the same, such lands, tenements, hereditaments, and estate, not exceeding five hundred acres, as may be necessary to them in the legitimate prosecution of their business; and of purchasing and holding of such goods, chattels and effects as may be necessary and convenient for the improvement of the grounds; the erection and furnishing buildings, such as may be necessary to an establishment of that kind, and the same to sell, grant, lease, or otherwise dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record or any other place; and, also, to make, have and use a common seal, and the same to break, alter or amend at their pleasure; and, also, to ordain, establish, and put in execution, such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation, not being con-

trary to law and this act; and generally, to do and execute all and singular such acts, matters and things as a corporation, for particular purposes, might rightfully do.

SEC. 5. For conducting the affairs of said corporation there shall be a president and four managers chosen annually, by the stockholders at a general meeting, to be held at the Lower Blue Licks, on the first Tuesday in April in each year, at some place to be designated by the stockholders at their general meeting: *Provided*, that the first election of president and managers shall not be included in the said regulation; but shall be held in a manner hereafter pointed out in this act: *And, provided, also*, that in case it shall happen that an election of president and managers shall not be made when, pursuant to this act it might have been done, the said corporation shall not be dissolved, but it shall be lawful, on any other day, to hold and make an election of president and managers, at such time and place as the president and managers last before chosen shall direct, not being inconsistent with this act: and the president and managers before last chosen, shall continue in office until such new election shall be made; and in case of the death, resignation or absence of the president, or any manager, his place shall be filled by some person chosen by a majority of the remaining members of the board.

SEC. 6. In all elections by the stockholders, each share shall entitle the owner to one vote. No person who is not a stockholder shall be eligible to the office of president or manager, and every president or manager shall vacate his office by ceasing to be a stockholder; and in all elections the stockholders may vote in person, or by attorney duly authorized.

SEC. 7. The president and managers, thus chosen, shall constitute a board of managers, any three of whom shall form a quorum for the transaction of business; and shall have power to appoint agents and officers and servants, under them, for executing the business of the corporation; and they shall allow them such compensation as shall be reasonable and agreed upon; but no compensation shall be given to the president and managers unless it shall be allowed by the stockholders at a general meeting; and the president and managers shall have power, for the time being, to make, alter, revise, or annul, such rules, orders, by-laws and regulations for the government of said corporation, its agents, officers, and servants, as they, or a majority of them, shall, from time to time, deem expedient.

SEC. 8. That said corporation shall not be allowed to hold any real estate which shall not lie within two miles of the Lower Blue Lick, other than such as may be in good faith mortgaged or conveyed in trust by way of security.

SEC. 9. The stock in said company shall be assignable only on the books of the company, and shall, to all intents and purposes, be considered real estate: but no stockholder shall be relieved from the payment of his stock by assigning it to another; nor shall any stockholder be entitled to a dividend

1846.

President & Managers are to be chosen annually.

Vacancies: how filled.

Stock: how voted.

Board Managers: powers and duties.

Allowed to hold property.

Stock: how assignable.

**1846.**

or vote on his stock whilst he is any thing in arrears due and unpaid thereon.

Annual report shall be made at annual meeting.

Dividends.

Books for capital stock.

Commissioners to open the books.

First election.

Organization of board.

SEC. 10. The president and managers shall report to the stockholders, at their general meeting in the month of May of each year, after the first, the situation of the company, the amount of money received; from what sources received; an account of their expenditures, and for what purpose expended; whereupon, the stockholders shall make such dividend arising from the rents and profits of the corporation as they may think proper; which report of the president and managers, together with the proceedings of the stockholders, shall be put upon record, upon the journal of the proceedings of the president and managers of said corporation.

SEC. 11. That a book for subscriptions in the capital stock of said company shall be opened at the Lower Blue Licks, on the — day of March 1846, under the direction of John S. Morgan, Thomas Metcalfe, John P. Campbell, C. S. Early, Lewis P. Holladay, John Dougherty, and John W. Finnell, or such of them as may assemble and agree to act; which commissioners shall procure a book, in which each subscriber shall enter his subscription for stock as follows, viz: I do hereby agree to take — share (or shares) in the stock of the Blue Lick Hotel and Water Company, and bind myself to pay to the treasurer of said company the sum of one hundred dollars for my said share, (or each of my shares,) in such manner and proportion as the president and managers of said company shall direct. Witness my hand this — day of — in the year of our Lord, eighteen hundred and forty — (s. L.) Which book shall be kept open for the term of twenty weeks, under the direction of such person as the commissioners shall appoint to receive subscriptions, unless the amount of one thousand shares, or one hundred thousand dollars, shall be well and truly and in good faith subscribed for before the expiration of that time; but shall be closed at any time when it is ascertained that the amount of one hundred thousand dollars, or one thousand shares are subscribed for; but upon the subscription of twenty five thousand dollars, or two hundred and fifty shares, being subscribed for, it shall be the duty of the acting commissioners to give three weeks' notice to the subscribers, through some newspaper published in Maysville, Lexington, and Paris, of the fact, and appoint a day for the election of a president and four managers from among the stockholders; but should the sum of one hundred thousand dollars not be subscribed for in twenty weeks, the said commissioners may continue said books open for a longer period; and, also, open books at such other times, and at such other points, under the direction of such persons, as they may think proper, until the whole amount of one hundred thousand dollars shall be subscribed.

SEC. 12. Whenever it is ascertained that the sum of twenty five thousand dollars has been subscribed, the company shall

1846.

be formed, by electing a president and managers, as aforesaid; which said election shall take place under the supervision of the commissioners, or a majority of such as choose to act, in whose presence the stockholders who have subscribed, or their proxies duly authorized, may meet on a day appointed and advertised, as aforesaid, and choose a president and four managers, to serve until their successors are duly elected under the provisions of this act; and the person having the highest number of votes for president shall be duly elected; and the four persons having the highest number of votes for managers shall be duly elected: and the president and managers, so elected, shall meet at some convenient day, thereafter to be appointed by them, and organize their board by the appointment of a secretary, who shall keep a record of all the proceedings of the board; and by the appointment of a treasurer, from whom they shall take a bond, with sufficient security, for the faithful discharge of his duties; both of whom shall be removable at the pleasure of the board.

SEC. 13. It shall be lawful for the president and managers to make calls, from time to time, on the stock subscribed for; but no instalment shall be called for amounting to more than ten per cent. on the stock subscribed; which instalments may be required to be paid at the end of every sixty days, until the whole amount of stock subscribed for is paid in; and should any stockholder fail to pay in any instalment, for the space of one month after it shall have been called for and become due, he shall, in addition to said instalment, be bound to pay at the rate of one per cent. per month, for the amount due and unpaid from the time said instalment fell due until paid; and if any stockholder shall fail to pay such instalment, or instalments, for the space of six months after the same shall have been called for and fallen due, it shall be lawful for the president and managers to forfeit, for the use of the company, such sum or sums as may have been paid on such share: *Provided, however,* that no call shall be made without giving at least thirty days' notice in some newspaper published in Lexington, Paris, and Maysville: *And, provided, moreover,* that the president and managers shall have it at their option to forfeit the amount paid on the stock to the company, or pursue and collect their subscription by due course of law.

SEC. 14. In all suits instituted against this corporation, service of the process on the president and secretary shall entitle the plaintiff to judgment by default at the first term, if they shall fail to appear and answer to such suit; and it shall not, in all cases, be necessary to show a contract under seal of the corporation to maintain suit against them; but, on the contrary, said corporation shall be bound by any contract in writing, signed by the president and attested by the secretary, or by any written contract or parol contract, express or implied, which may be made with any of their authorized agents in the name of said corporation: *Provided,* such contract shall

Calls on the stock.

Notice of call.

Who process to be served upon.

Contracts.

1846.

be within the meaning of the power or authority granted or conferred on such agent.

Treasurer.

SEC. 15. All moneys due the company shall be paid to the treasurer, and be paid out by him only to the order of the president, the board of managers, or the stockholders in general assembled. The order, in all cases, to be attested by the secretary.

Approved February 23, 1846.

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CHAPTER 378.

AN ACT for the benefit of the Methodist Episcopal Church in the town of Carlisle.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Amos West, Benjamin M. Teal, Elijah West, William P. Harris, and Daniel K. Weis, Trustees of the Methodist Episcopal Church in the town of Carlisle, be and they are hereby authorized to convey, by deed, to Joseph F. Tufeman, so much of the church lot, held by them in said town, as they had heretofore sold to him.

Approved February 23, 1846.

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CHAPTER 379.

AN ACT authorizing the Trustees of the town of Jackson to change an alley in said town.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Trustees of the town of Jackson, or their successors, are hereby authorized and required to permit Thomas Sewel, of said town, to close the alley running back from main street between lots Nos. 2 and 3; and the said Trustees are further authorised to convey the said alley, by metes and bounds, to said Sewel, as designated and laid down on the plat of said town: *Provided*, said Sewel shall first open a road for the use of the public between lots Nos. 5 and 6, commencing at main street and running back so as to intersect the public highway near Thomas J. Frazier's tanyard, the same to be opened eighteen feet wide and running parallel with said town lots: *And, provided further*, that all persons residing in said town, or elsewhere, whose rights may be effected by said change, shall first give their consent, in writing, to the proposed change; which writing shall be filed with the Clerk of the County Court of Breathitt, and recorded with the deed as above authorized.

Approved February 23, 1846.

CHAPTER 380.

1846.

AN ACT to enlarge the boundaries of the town of Owenboro' in Daviess county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the act, entitled, an act to enlarge the town of Owenboro', and for other purposes, approved the 8th day of January, 1841, as vests the title to the lots, in said addition to the town of Owenboro', in the Trustees of the town of Owensboro' for the use of the heirs of Philip Thompson, deceased, be and the same is hereby repealed; and the legal title, as well as the use of all said lots in said addition, shall be and the same is hereby vested in the heirs of said Philip Thompson, deceased.

Repealing clause.

SEC. 2. *Be it further enacted*, That the Commissioner appointed by the Daviess Circuit Court for that purpose, or any Commissioner who may hereafter be appointed for that purpose, may sell any or all of the lots in said addition to the town of Owensboro', and report the same to said court; and if the court approves of the sale, or of the sale of any of said lots heretofore made, it shall order said Commissioner to convey the lots, so sold by him, upon the receipt of the purchase money, to the purchaser; and the conveyance made by said Commissioner shall convey all the right and title of which said Philip Thompson died possessed: *Provided*, that nothing herein contained shall prevent any of the heirs of said Philip Thompson from bringing a suit for a division of said lots among said heirs, at any time they or any of them may think proper; or said court may decree a division of the unsold lots, in the suit now pending in said Daviess Circuit Court, on the application of any of said heirs (who are over twenty one years of age,) by amended or cross bills.

Commissioner may sell & convey, &c.

Approved February 23, 1846.

CHAPTER 381.

AN ACT to change the place of voting in the county of Harlan, from the house of John Creech to the house of John Lewis, in said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, hereafter, the place of voting in the county of Harlan, at the house of John Creech, shall be changed to the house of John Lewis in said county.

Approved February 23, 1846.

CHAPTER 382.

AN ACT to change the place of voting in the Liberty precinct, in Jessamine county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the place of voting in the Liberty precinct, in Jessamine county, be changed from the

Place voting in Jessamine pre't changed.

**1846.** House of Francis Lewis to the house now owned and occupied by William Bronough.

Precinct established in Grant.

Sec. 2. That an election precinct be established in the the Crooked creek neighborhood, in Grant county; and that the place of voting in said precinct shall be at the house of John Coulson.

Place voting in a Grant precinct changed.

Sec. 3. That the place of voting in the Barkley precinct, in Grant county, shall hereafter be at the house of Abram McMillion.

Precinct established in Bullitt.

Sec. 4. That an election precinct shall be and is hereby established in Bullitt county, and that the place of voting shall be at the residence of the widow Myers.

Approved February 23, 1846.

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#### CHAPTER 384.

AN ACT to establish an election precinct in Owsley county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an election precinct shall be and is hereby established in the county of Owsley; the place of voting therein shall be at Spencer's meeting house, on the north side of the north fork of the Kentucky river, and on the waters of Upper Devil's creek; and the County Court of Owsley shall appoint the necessary officers to conduct all elections at said precinct, to be governed by the laws now in force relative to elections.

Approved February 23, 1846.

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#### CHAPTER 385.

AN ACT to change the place of voting in the Donelson precinct, in Caldwell county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the place of voting in the Donelson precinct, in Caldwell county, be and the same is hereby changed from the residence of Morgan Holeman to A. Pierce's mills, on Donelson creek.

Approved February 23, 1846.

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#### CHAPTER 386.

AN ACT to change the place of voting at the Louisport precinct, in Hancock county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the elections hereafter to be held at the Louisport precinct, in Hancock county, shall be held at the "Whig School House," in the town of Louisport, instead of of the place heretofore designated by law.

Approved February 23, 1846.

CHAPTER 387.

1846.

AN ACT for the benefit of the County Courts of Cumberland and Boyle.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Cumberland shall be authorized to appropriate any money arising from the sale of vacant lands in said county; which sum, when added to the sum of eight hundred dollars made up by private subscription, shall be necessary to build a bridge across Big Rennix creek near its mouth, if the County Court of said county may deem it advisable; which money shall be so expended.

Cumberland County Court may appropriate sales of vacant land to build bridge.

SEC. 2. *Be it further enacted*, That the County Court of Boyle county be and it is hereby authorized to hold a special term on the second Monday in March next.

Boyle County Ct changed.

Approved February 23, 1846.

CHAPTER 388.

AN ACT for the benefit of the widow and heirs of George M. Bedinger, dec'd.

WHEREAS, by the last will and testament of George M. Bedinger, dec'd, late of Nicholas county, the remainder of his lands, and such other estate, both real, personal and mixed, after the payment of his just debts, and certain specific devises therein set forth, is devised to his widow and five living children: and, whereas, said lands, therein generally devised, are unproductive, consisting of unimproved tracts or parcels of land lying in Nicholas county, and other portions of the State of Kentucky, with certain lots in the town of Millersburg; and there not being sufficient personal estate left for the payment of the debts, as aforesaid, and the said lands being so situated that an equal or advantageous division among the children and heirs cannot be made. Therefore:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for Daniel P. Bedinger, acting executor under the will of the said George M. Bedinger, dec'd, to file a bill in chancery, in the Nicholas Circuit Court, making the children and heirs of the said George M. Bedinger, dec'd, defendants thereto; and after due service of process upon all of said defendants, and the appointment of a guardian *ad litem*, for such as may be under the age of twenty one years, the court may, upon being satisfied by proof, in writing, that it will be to the interest and advantage of the children and heirs of the said George M. Bedinger, dec'd, to have said tracts or parcels of land, together with said town lots, sold for the payment of the debts, as aforesaid, and for distribution of the balance among the children and heirs according to their respective interests under the will, to decree a sale of the same; and for that purpose may appoint a commissioner to make a deed or deeds to the purchaser, and to

Bill may be filed and court decree sale of land.



**1846.** make all other orders and decrees necessary to carry out the true intent and meaning of this act.

Approved February 23, 1846.

#### CHAPTER 389.

AN ACT for the benefit of John Stump's children.

Bill may be  
filed and court  
decree sale of  
land, &c.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for Johnson Stump, and Philip Worthwine and Mary his wife, to file a bill in chancery in the Washington Circuit Court, against the infant heirs of John Stump, dec'd, asking a sale of a tract of one hundred acres, lying in the county of Washington, and on the waters of Prater's creek, and which descended to the heirs of the said John Stump from him; and if the adult heirs shall agree thereto, and it shall seem to the interest of the infant heirs, it shall and may be lawful for the said court to award and order a sale of the said tract, upon such terms and credits as the said court may deem best: *Provided, however,* that no sale made under this act shall affect the dower of the widow of the said John Stump.

Court may  
pay to guardian  
proceeds of  
sale.

**SEC. 2.** *Be it further enacted,* That it shall and may be lawful for the said court to pay over to the guardian, or guardians, of the infant heirs of the said John Stump, their portion of the proceeds of sale of the said tract of one hundred acres: *Provided, however,* that the said guardians, or guardian, shall first give bond in the said Washington Circuit Court, with good security, to be approved of by the said court, in such penalty, and with such conditions, as the said court may prescribe.

Approved February 23, 1846.

#### CHAPTER 390.

AN ACT for the benefit of Winston Roberts.

**WHEREAS,** It is represented to this General Assembly, that Winston Roberts has been deaf and dumb from his early infancy, though neither an idiot or lunatic; yet the avenues through which knowledge can be received or imparted are so obstructed as to render it difficult, if not impossible, to make him comprehend his rights, or prevent him being imposed upon by the designing. Therefore:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for Benson Roberts to file his bill in chancery, in the Harrison Circuit Court, charging the incapacity of said Winston to manage his pecuniary affairs, and that there is danger of his estate being wasted; and upon proof of the allegations in the bill, and good and satisfactory security being given, the chancellor is hereby authorized to appoint said Benson Roberts, or some other safe and

discreet individual, guardian or committee for the aforesaid Winston, with authority to prosecute or defend such suits as may, in his judgment, be necessary for the preservation and protection of said Winston Roberts.

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Approved February 23, 1846.

CHAPTER 391.

AN ACT for the benefit of the heirs of Nicholas Smith, deceased.

WHEREAS, it is represented to the General Assembly, that Nicholas Smith and R. D. Waters, in the lifetime of the said Smith, made a parol exchange of twenty acres of land, each in Shelby county, in the State of Kentucky, adjoining their farms, and that they entered upon the part gotten by each in exchange and improved it, and held it for years, and that since that time the said Smith departed this life, without conveying or releasing to said Waters the part given in exchange, and leaving four infant children, and no deeds were passed between them; and the said Waters has conveyed his farm, with the part gotten in exchange from the said Smith, to Robert W. Logan and Richard A. Logan, who have become the purchasers thereof: and, whereas, it is represented to be the interest of the children to ratify said exchange. Therefore:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the guardian of the infant children of the said Nicholas Smith to release and convey, by proper deed, to the said Robert W. Logan and Richard A. Logan the tract of land passed to the said Waters by the said Smith, in exchange for the tract gotten by him of Waters, on the condition that the said Robert W. and Richard A. Logan shall convey to the said children, by proper deed, the tract passed to the said Smith by the said Waters, and purchased by them.

Guardian to convey a tract of land, &c.

Approved February 23, 1846.

CHAPTER 392.

AN ACT authorizing the County Court of Marshall county to appoint a Treasurer.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the County Court of Marshall county is hereby authorized to appoint a county Treasurer, who, before he enters upon the duties of his office, shall execute bond, with good security, in such penalty as said court may prescribe, conditioned that he will safely keep all moneys which may be paid to him as Treasurer, and pay the same to such person or persons as said court may, from time to time, order and direct. And said Treasurer shall, moreover, take

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an oath in open court that he will faithfully perform the duties of said office.

SEC. 2. And if said Treasurer shall embezzle any of the moneys of said county, committed to his custody as such, said County Court shall have jurisdiction to give judgment against said Treasurer, and his sureties, for the moneys thus embezzled, together with ten per cent. damages thereon: *Provided, however*, that said Treasurer, and his sureties, shall have ten days notice of such intended motion previous to the commencement of the term at which the same is made.

Approved February 23, 1846.

#### CHAPTER 393.

AN ACT for the benefit of Wm. F. B. Garrett and Rebecca Garrett.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Shelby Circuit Court is vested with jurisdiction, upon bill filed for that purpose, in the name of the guardian of Wm. F. B. Garrett, infant son of Green Garrett, deceased, to decree a sale of the tract of land of which said Green died seized and possessed, lying and being in the county of Shelby, on the waters of Guest's creek, upon such terms and conditions as to said court may seem most for the benefit of said infant; if, in the opinion of said court, it will redound to the interest of said infant to have said tract of land sold.

On bill filed, &c. court may decree sale of land, &c.

If infant die in his minority before the sale, the title to pass to mother, &c.

SEC. 2. That if said infant should die before he arrives at the age of twenty one years, and before the said tract of land shall have been sold, that then, and in that case, the title to said land shall pass to and be vested in Rebecca Garrett, the mother of said infant, if she be living, if she be not living at the time, then it shall pass to and vest in the relations of such infant, on the mother's side, according to the course of descents provided for in case of the death of an infant having title to real estate inherited from the mother.

If he die in his minority after sale, title to pass to his mother if living, or if she be dead to his relations on mother's side, &c.

SEC. 3. That in case said infant should die in his minority after the said tract of land is sold, that then, and in that case, the proceeds of such sale shall pass to, and vest in, his said mother, if she be living at the time; but if she be then dead, the proceeds of such sale shall pass to, and vest in, the relations of such infant, on the mother's side, as is provided for in the second section of this act.

Proceeds of sale may be transmitted to Maryland.

SEC. 4. That if, in the opinion of said court, it will be for the benefit of said infant to withdraw the proceeds of the sale of said land from this State to the State of Maryland, he may permit it to be done, upon the guardian giving bond and good security here for the payment of said money to the said infant when he arrives at the age of twenty one years, or to such person or persons as may be entitled thereto according to

the provisions of this statute, should he die in his infancy, or upon said guardian presenting a regularly certified copy of a bond, executed by such guardian, with good security, in the Orphan's Court of Maryland, for the payment of the money aforesaid, as in the first part of this section is provided.

1846.

Approved February 23, 1846.

CHAPTER 394.

AN ACT to establish a Mechanics' Institute in the town of Paducah.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James Long, Samuel M. Percell, Whitfield Lett, William Nolen, William McLaughlin, and James Bury, and their associates, be and they are hereby created a body politic and corporate, by the name and style of the Mechanics' Institute of the Town of Paducah, for the purpose of improvement in the mechanical arts and sciences; and they, with their associates and successors, shall so continue and have perpetual succession; and by that name are hereby made capable, in law, as natural persons, to sue and be sued, to plead and be impleaded, to contract and be contracted with, to answer and be answered, in all courts of law and equity in this Commonwealth and elsewhere; to make, use and have a common seal, and the same to break, alter or amend at pleasure; they may make and ordain such regulations and by-laws, for the government of the institute, as, from time to time, they may deem proper, and may change and renew the same at pleasure: *Provided*, they be not in contravention of the constitution and laws of the United States, or of this Commonwealth.

Corporators,  
with powers &  
perpetual suc-  
cession.

SEC. 2. *Be it further enacted*, That the said corporation shall have the right to purchase and hold a suitable lot or lots in the town of Paducah, upon which to erect such buildings as they may want for the furtherance of the above named design, and to erect any buildings thereon, provided such lot and buildings shall not cost more than twenty thousand dollars; they may hold personal estate, provided that the income from such estate may not exceed ten thousand dollars per annum; they may establish a circulating library, and such professorship, upon any branch of mechanical knowledge, or of manufactures, as they may deem fit; they may elect such officers and agents as the necessities and welfare of the institute may require; they may take by gift, or devise, all such property as may be given or devised for the advancement of the objects of the institute.

May purchase  
and hold lots,  
&c.

And personal  
estate, the in-  
come not above  
\$10,000.

Further pow-  
ers.

SEC. 3. *Be it further enacted*, That within thirty days after the passage of this act, the corporators herein named, or a majority of them, shall call a meeting, in a convenient time and place, in the town of Paducah, and give due notice thereof to the residue; and, at such meeting, may adopt such per-

Organisation.

1846.

Powers not expressly granted herein forbidden.

manent regulations for the internal government of the institute as to the majority shall seem proper.

SEC. 4. *Be it further enacted*, That said institute shall not have or exercise, under this charter, any power or privilege not herein expressly granted.

Approved February 23, 1846.

#### CHAPTER 396.

AN ACT for the benefit of Common Schools in the city of Maysville, county of Carroll, and for other purposes.

Superint'dt to receive rep't and make allowance for Maysville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Superintendent of Public Instruction be and he is hereby authorized and required to receive the report of the Chairman of the School Committee of the city of Maysville, and to make the proper allowance to which the common schools of said city may be entitled.

Pay districts in Casey and Harrison.

SEC. 2. *Be it further enacted*, That the Superintendent of Public Instruction be and is hereby authorized and directed to issue his warrant on the Treasury for the amount of money to which school districts No. 6, in Casey county, and No. 34, in Harrison county, are respectively entitled, whenever the reports are properly certified and authenticated; and when the reports are so made and certified, they shall have the same effect as if they had been made in the time prescribed by law.

Trustees & Com'rs in Harrison: further time to report for 1845.

SEC. 3. *Be it further enacted*, That the Trustees of such school districts in Harrison county, in which schools have been taught for the year 1845, agreeably to the 32d section of an act, entitled, an act to reduce into one the several acts concerning common schools, and more effectually to establish the same in this Commonwealth, approved February 10th, 1845, as have not made their reports agreeable to the 26th section of said recited act, have the further time until the 20th of March next to make their reports; and that the school commissioners for said county of Harrison have the further time, until the 10th day of April next, to make out and forward their report of the same; and the reports, so made of said Trustees and Commissioners, shall have the same effect, in all respects, as if the same had been in the time prescribed by said recited act.

Pay Com'rs of Carroll.

SEC. 4. *Be it further enacted*, That the Superintendent of Public Instruction, upon receiving a report duly certified according to law, from the Commissioners of Carroll county, for the years 1844 and 1845, at any time on or before the first day of April next, shall and may draw upon the fund in favor of said Commissioners for the amount which may appear to be due them according to such report; and said Commissioners shall proceed to distribute the same among the several districts under the rules and regulations prescribed by law.

**SEC. 5.** *Be it further enacted,* That the fourth section of this act shall extend to common school districts Nos. 1, 2 and 3, in Breckinridge county. 1846.

Approved February 23, 1846.

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CHAPTER 397.

**AN ACT** authorizing the County Court of Union to sell a part of the Public Square in Morganfield.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the County Court of Union, a majority of all the justices thereof being present, and a majority of such majority concurring therein, to enter up an order appointing a commissioner to sell all that part of the public square lying on the north east side of main street, in Morganfield, between the lots of George W. Simpson and James R. Hughes, upon such terms as said court, in their order, shall prescribe and direct.

**SEC. 2.** That said commissioner, when so appointed, shall be authorized to sell and convey the title to said ground, in fee simple, to the purchaser or purchasers, when the purchase money shall have been paid.

**SEC. 3.** That the proceeds arising from the sale of said ground shall be appropriated by said County Court towards the erection of a County and Circuit Court Clerk's office, on that part of the public square lying on the south west part of Main street in Morganfield, near the court house.

Approved February 23, 1846.

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CHAPTER 399.

**AN ACT** to amend an act, entitled, an act to establish a Seminary of Learning in Morgantown, and for other purposes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the second section of an act, entitled, an act, approved 7th February, 1840, to establish a Seminary of learning in Morgantown, and for other purposes, be and the same is hereby repealed, or so much thereof as authorizes the Trustees to fill vacancies; and it shall be the duty of the Butler County Court, hereafter, to fill any vacancy that may occur by death, resignation or otherwise.

Approved February 23, 1846.

1846.

## CHAPTER 400.

AN ACT to reduce the price of vacant and unappropriated land in Grayson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Grayson county, be and they are hereby authorized to reduce the price of vacant and unappropriated land in said county, to three cents per acre; a majority of the Justices of the Peace of said county being present and concurring therein.

Approved February 23, 1846.

## CHAPTER 404.

AN ACT for the benefit of Samuel F. Taylor, and others.

WHEREAS, it is represented to this General Assembly, that Samuel F. Taylor entered into a bond to the Commonwealth of Kentucky, dated 23d of January, 1843, for ———, and gave John B. Huston, Charles Eginton and Thomas Hart as his securities, for the safe keeping and return of sixty muskets and their accoutrements: and, whereas, it is represented that said Taylor has returned to the arsenal at Frankfort, the most of said arms and accoutrements in good order. Therefore:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said Samuel F. Taylor, and his securities, be and the same are hereby released from the penalties of said bond, and the same shall be void and of no effect.

Approved February 23, 1846.

## CHAPTER 405.

AN ACT to incorporate the Danville and Perryville Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed under the name and style of the "Danville and Perryville Turnpike Road Company," for the purpose of forming and making an artificial road.

SEC. 2. The capital stock of said company shall be twenty five thousand dollars, to be divided into shares of fifty dollars each; and if it shall be ascertained that the capital stock is not sufficient to accomplish the object of this act, then the President and Directors may enlarge it to such amount as they may deem necessary, and open subscription therefor, in such manner as they may think proper.

Corporators  
and powers.

SEC. 3. That books, for the subscription of stock in said company, shall be opened on the second Monday in April next, or as soon thereafter as convenient, in Danville, under the direction of Chas. Henderson, Henry Goodloe, and Dudley Hudson; at Perryville, on the Saturday following, under

1846.

the direction of John A. Burton, A. Fulkerson, and James P. Mitchell, or some two or more who are appointed commissioners. Books shall be opened, and subscribers of stock shall enter into an obligation in said books to pay the sums subscribed by each respectively. Notice shall be given in the Kentucky Tribune of the time and place of opening the books.

SEC. 4. So soon as ten thousand dollars are subscribed, the commissioners shall call a meeting of the stockholders, and hold an election for President and six Directors, who shall hold their office for one year; and the provisions of the fourth section of the act incorporating the Danville and Hustonville Turnpike Road Company are hereby extended to this company.

SEC. 5. *Be it further enacted*, That the provisions of an act, entitled, an act to incorporate the Danville and Hustonville Turnpike Road Company, approved March 1, 1844, from the 5th to the 35th sections inclusive, be and the same are hereby extended to the Danville and Perryville Turnpike Road Company.

Approved February 23, 1846.

CHAPTER 406.

AN ACT to incorporate the Dialectic Society of Shelby College.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Thomas G. Wilson, S. B. Smith, Theophilus Ewell, and their associates, be and they are hereby created a body politic and corporate, by the name and style of the Dialectic Society of Shelby College; and by that name and style may have and use a common seal, and may alter and change the same at pleasure; and, in their corporate name, may contract and be contracted with, sue and be sued, plead and be impleaded, in any court having jurisdiction in like matters in this Commonwealth; and shall have power to take and hold any property, real, personal, or mixed, not exceeding in value two thousand dollars, and to sell, exchange, or dispose of, and convey the same, or any part thereof, at pleasure, for the use and benefit of said society.

SEC. 2. That the members of said society may, on the first Friday in April next, and on the same day in each year thereafter, elect a President, Vice President, Secretary, and Treasurer of said society; who, upon their election, shall enter upon the execution of the duties prescribed by the constitution and by-laws of the society. All suits instituted by the said corporation shall be in the name of the "Dialectic Society of Shelby College;" and in suits against it, shall be against the society in that name as defendants. Service of process on the President alone shall be sufficient.

SEC. 3. That the members of said society may adopt such constitution and such rules and by-laws, for the government



1846.

of said corporation, as they may deem necessary; but no constitutional provisions and no rule or by-law, for the government of said society, shall be adopted inconsistent with the laws of this Commonwealth, nor with the rules and regulations of Shelby College.

SEC. 4. The members of said society may appoint such other officers as they may deem necessary for the transaction of the business thereof, and may remove them from office when they deem it proper to do so. The term of office of the President, Vice President, Secretary, and Treasurer, of said corporation, shall be one year, and until their successors are chosen; and should no election be held of said officers at the time hereinbefore designated, the members of said society may appoint a day for the election to take place.

SEC. 5. That all of the books, furniture, apparatus, and property, of every species, now belonging to said society, shall be and is hereby vested in said corporation.

SEC. 6. The said corporation is hereby vested with power and authority to grant diplomas in conformity with the provisions of its constitution and by-laws.

Approved February 23, 1846.

#### CHAPTER 407.

AN ACT to incorporate the Augusta Presbyterian Church in Bracken county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John E. McCormick, Samuel Boude, Joseph T. McKibben, William S. McKibben, and Peter H. Rudd, and their successors in office, be and they are hereby created a body corporate and politic, by the name and style of the Trustees of the Augusta Presbyterian Church, in Bracken county; and by that name have perpetual succession, with all the powers incident to corporations, for the purpose of suing and being sued, pleading and being impleaded, so far as may be necessary to protect the rights, titles, property, privileges, possessions, and immunities, of said church, which now does, or may hereafter, belong to the same.

May unite  
with Sharon  
Church in purchase of  
property.

SEC. 2. *Be it further enacted*, That it shall and may be lawful for the above named Trustees, and their successors, to unite with the Trustees of the Sharon Presbyterian Church in Bracken county, and their successors, in the purchase of real estate in said county, not to exceed in value the sum of \$3,000, for a parsonage for said two churches, the title of which shall vest in said Trustees of said two churches, and their successors, to be held by them for the use and benefit of said two churches.

Vacancies  
how filled.

SEC. 3. *Be it further enacted*, That whenever vacancies may occur with said Trustees, it shall and may be lawful for them to be filled, pursuant to the discipline and rules of said

church. The right is hereby reserved to the Legislature to alter, amend, or repeal, this act at pleasure.

1846.

SEC. 4. That the Trustees of the First Baptist church of Lexington shall be and are hereby authorized and empowered to sell, or trade off, their present house of worship, and the lot of ground on which it is erected; and the said Trustees, to-wit: Richard Bunt, Henry C. Payne, P. H. Kidd, Purnel Bishop, and David H. Bosworth, or a majority of them, shall have power to pass the deed of conveyance, which shall be valid in law, and vest a complete title in the purchaser.

First Baptist Church Lexington dispose of house and lot, &c.

SEC. 5. That said Trustees shall vest the proceeds thereof in the purchase or improvement of another lot of ground, and build or fit up a house of worship thereon, in some other part of the city of Lexington. The title of which lot, so purchased by them, shall be vested in the Trustees of the First Baptist Church of Lexington, and their successors, for the use of said church forever.

And vest proceed in another.

SEC. 4. *Be it further enacted*, That George M. Southgate, John L. Newby, Thomas Bird, John W. Venable, Charles A. Withers, and John K. McNickle, and their associates, and such as may hereafter be associated with them and their successors, be and they are hereby created a body politic and corporate, by the name of the Trinity Church of Covington; and as such, shall have perpetual succession, and be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts of law and equity; may have a common seal, which they may break, alter or renew at pleasure; shall have power to adopt, change and alter such by-laws, rules and regulations for the management of the property, and secular concerns of said corporation, as they may deem expedient; prescribe the number and title of the corporation officers, and their respective powers and duties: *Provided*, the same be not repugnant to the laws and constitution of the United States, and of the Commonwealth of Kentucky, and the form of government and discipline of the Protestant Episcopal Church.

Corporations.

Trinity Church of Covington incorporated.

SEC. 7. That the lot of ground now owned and possessed by said church, bounded and described as follows, to-wit: beginning at the junction of Madison street and the alley running east and west between said street and market space; thence eastwardly, with the south side of said alley, ninety feet or more, to James G. Arnold's line; thence southwardly, with his line, forty feet; thence westwardly, at right angles, to Madison street; thence with said street, forty feet, to the beginning, be and the same is hereby declared vested in the corporation hereby created, to be held and managed for the use and benefit of said corporation; and said corporation may acquire and hold, by purchase or otherwise, the lot of ground adjoining, on the south, the lot herein before described, being forty feet in front on Madison street, and extending back the

Lot of ground vested.

1846.

same width ninety feet, for the use of said church; and said corporation may receive, acquire and hold by gift, or devise, any real or personal estate; to be held in trust, and to be managed not inconsistent with the conditions of the donors or devisors, for the purpose of promoting the interest of said church, and maintaining any institution of charity or education connected therewith.

Limitations  
and powers.

SEC. 8. That the powers herein granted shall be confined to the control and management of the property and secular concerns of said church, agreeably to the provisions of this act, and in such manner as to promote and maintain religious worship as established by the Protestant Episcopal Church.

Tenure of  
Trustees.

SEC. 9. That the persons named in this act, be corporation officers, to be called Trustees; who shall hold their office for one year, or until others are chosen in their places, in accordance with the rules of said corporation.

Names of  
Trustees to be  
recorded.

SEC. 10. That within sixty days after the passage of this act, it shall be the duty of said Trustees to make out a certified list of their names, and present the same to the County Court of Kenton county, which list the Clerk shall record in his office; and when any change occurs in the Board of Trustees aforesaid, the names of the new Trustees shall be recorded as aforesaid; and the Clerk shall be allowed the same fees that he is allowed for similar services.

Approved February 23, 1846.

#### CHAPTER 409.

AN ACT to establish an election precinct in Warren county, and to extend the bounds of a precinct in Fayette county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an election precinct is hereby established in Warren county, within the following bounds, to-wit: Beginning at the mouth of Big Barren river; thence up the same to the mouth of Ray's Branch; thence up the same to the house of A. T. Mitchell; thence to the house of Isaac O. Lewis; thence to the house of Samuel V. Goode; thence to the house of Ezekiel Jenkins, and the same course continued to the Edmonson county line; thence with the same to Green river, and down the same to the beginning. And the County Court of Warren shall appoint Judges and a Clerk, to hold elections therein; and the place of voting in said precinct, shall be at the Mill of Thomas Sterrett, on Indian creek.

SEC. 2. *Be it further enacted*, That all that part of the county of Fayette, lying South of the Turnpike road leading from Lexington to Winchester, and not already embraced within the Athens precinct, shall be added to and compose a part of said precinct, and the citizens entitled to vote, living

within said boundary, may hereafter, at all elections, vote in the town of Athens. 1846.

Approved February 23, 1846.

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CHAPTER 410.

AN ACT to allow an additional Justice of the Peace to Pulaski county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an additional Justice of the Peace be and is hereby allowed to Pulaski county, who may reside in the neighborhood of Flat Lick Meeting House.

SEC. 2. *Be it further enacted*, That James Pierce, a Constable in the town of New Castle, in Henry county, be permitted to reside outside of the limits of said town, provided the limits of said town do not extend to the late residence of C. M. Matthews.

Approved February 23, 1846.

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CHAPTER 411.

AN ACT to change the place of voting in an election precinct in Allen county, and for other purposes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the election precinct now held at the house of Thomas Harrison, in the county of Allen, be and the same is hereby removed to the dwelling house of Anthony Travelstead, in said county.

SEC. 2. *Be it further enacted*, That the place of voting in Calloway county and Calloway town, be changed to the house of James Ross, in said county.

Approved February 23, 1846.

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CHAPTER 412.

AN ACT divorcing Pleasant Meadows, from his wife Sally Meadows.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Pleasant Meadows be and he is hereby divorced from his wife, Sally Meadows; and that he be restored to all the rights and privileges of a single man.

Approved February 23, 1846.

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CHAPTER 413.

AN ACT for the benefit of Samuel F. Singleton.

WHEREAS, Samuel F. Singleton did, on the 25th day of October, 1845, procure and take out from the Livingston

1846:

County Court Clerk's Office, a license to peddle goods, wares and merchandize within this Commonwealth, for the term of twelve months, and did pay therefor the sum of fifty dollars, as required by law: and, whereas, a calamitous fire has since destroyed the entire stock and materials of the said Singleton, and rendered his said license valueless, and he hath formally surrendered and delivered up the same. Wherefore:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Second Auditor be and he is hereby directed to issue his warrant upon the Treasury, in favor of the said Singleton, for the sum of forty dollars; and the Treasurer is hereby directed to pay the same out of any moneys in the Treasury not otherwise appropriated.

Approved February 23, 1846.

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CHAPTER 414.

AN ACT divorcing Joseph W. and Mary C. Tate, and Paul R. Baker.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Joseph W. Tate is hereby divorced from his wife, Mary C. Tate; and restored to all the rights and privileges of a single man.

SEC. 2. That Mary C. Tate be and she is hereby divorced from her husband, Joseph W. Tate; and restored to all the rights and privileges of a single woman.

SEC. 3. *Be it further enacted*, That Paul R. Baker be and he is hereby divorced from his wife, Diana H. Baker; and that he be restored to all the rights and privileges of an unmarried man.

Approved February 23, 1846.

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CHAPTER 415.

AN ACT to enlarge the powers and jurisdiction of the Police Judge of the town of Morganfield, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the powers and jurisdiction of the Police Judge of the town of Morganfield be extended, so as to give said Police Judge full and complete jurisdiction, as a Court of Enquiry, in all criminal cases arising within the county of Union; and he shall be governed by the laws now in force regulating Courts of enquiry.

SEC. 2. That the Trustees of the town of Sharpsburg, in the county of Bath, be and they are hereby authorized and empowered to lease and convey to the Trustees of the United Baptist Church, so much of the Public Square in said town as may be deemed necessary, by them, upon which to erect a Church, to be used as a place of public worship by said United Baptists; which lease, or conveyance, shall be made by deed,

under the seals of said Trustees; and when made, shall convey said Trustees of the Baptist Church the full title to the extent granted that is now held by said Trustees of said town: *Provided, however*, that the conveyance or lease, when made, shall be held to the use and benefit of the United Baptist Church.

1846.

Approved February 23, 1846.

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CHAPTER 420.

AN ACT for the benefit of John A. Hunt, of Whitley county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John A. Hunt, of Whitley county, be permitted to peddle in the county of Whitley for twelve months without obtaining license.

Approved February 24, 1846.

# RESOLUTIONS.

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## No. 1.

A RESOLUTION to appoint a committee to examine the Transylvania University, the Deaf and Dumb Asylum, and the Lunatic Asylum.

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That a committee of three members of the Senate and five of the House of Representatives, be appointed to examine Transylvania University, the Deaf and Dumb Asylum, and the Lunatic Asylum, and that they report to the Legislature the prospects and resources of the said University, and Deaf and Dumb Asylum, and the condition of the Lunatic Asylum; and if the committee deem it necessary, they shall have power to send for persons, papers and records.

Approved January 10, 1846.

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## No. 2.

RESOLUTION adding another member to the joint committee to examine the Lunatic Asylum.

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That the joint resolution creating a committee from each House to visit the Lunatic Asylum, at Lexington, be so amended as to increase the number composing the committee of the House of Representatives to six.

Approved January 24, 1846.

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## No. 3.

A RESOLUTION requesting the Secretary of State to communicate to the General Assembly his system of Finance.

The Secretary of State, in his communication to the General Assembly of the 14th instant, having stated he had matured a plan for the improvement of the revenue, "as to add \$50,000 annually to the Sinking Fund, to reimburse the principal of the State debt in thirty years, and add very little to the burdens of the people." Therefore:

*Be it resolved by the General Assembly of the Commonwealth of Kentucky,* That the Secretary of State be respectfully requested to communicate his plan for the improvement of the revenue, indicated in his said communication.

Approved January 29, 1846.

## RESOLUTIONS.

329

No. 4.

1846.

RESOLUTIONS to appoint a Joint Committee on Public Printing.

*Resolved by the General Assembly of the Commonwealth of Kentucky*, That a Joint Committee be raised, to consist of five members of the Senate and seven members of the House Representatives, whose duty it shall be to examine the accounts of the Public Printer of this Commonwealth, and report to the General Assembly whether the same is in accordance with his contract and the law in relation to that subject; and said committee shall, also, enquire whether any amendment is necessary in the laws in relation to the public printing, and whether the printing can be done at less cost to the Commonwealth by a different mode than that now provided for by law; and if, in the opinion of said committee, it shall be necessary for the prosecution of the enquiries directed by this resolution, that said committee have power to send for persons and papers.

*Resolved further*, That if any charges shall be preferred before said committee against the Public Printer it shall be the duty of said committee to investigate the same and report thereon; and said committee shall examine, on oath, any witnesses introduced before them, either to sustain or refute such charges; and the testimony, when taken, shall be reduced to writing, and reported by said committee; said committee shall afford the Public Printer an opportunity to be heard before them in his defence, and shall examine any witnesses offered by him.

Approved January 31, 1846.

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No. 5.

A RESOLUTION for correcting an error in an act to establish the University of Louisville.

WHEREAS, during the present session, an act was passed by the General Assembly of the Commonwealth of Kentucky, entitled, "an act to establish the University of Louisville," in which an error was made by inserting the word "two" instead of the word "ten," which occurs in the 20th line of the 3d section of the engrossed bill. Now, for the purpose of correcting said error:

*Resolved, unanimously, by the General Assembly of the Commonwealth of Kentucky*, That a joint committee of one from the Senate and two from the House of Representatives be appointed, to request permission of His Excellency, the Governor, to withdraw the enrolled bill, and have the said error corrected in the engrossed bill and the enrolled bill by the Clerk of the Senate.

Approved February 14, 1846.



## RESOLUTIONS.

1846.

No. 6.

A RESOLUTION fixing a day for the election of Public Officers.

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That they will, on the 21st day of February, 1846, proceed, by joint vote of both Houses, to the election of the Public Officers of the State.

Approved February 20, 1846.

No. 7.

A RESOLUTION for appointing a committee to ask leave to withdraw from the Governor an enrolled bill granting a change of venue to Joseph H. Coleman.

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That a committee of one from the Senate and two from the House of Representatives be appointed, to call on His Excellency, the Governor, and ask leave to withdraw from the office of the Secretary of State, an enrolled bill which originated in the House of Representatives, entitled, an act to grant a change of venue to Joseph H. Coleman.

Approved February 21, 1846.

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